The City Council of the City of Raleigh met in a regular session on Tuesday, September 4, 1984, at 1:00 p.m. in the City Council Chamber, 222 West Hargett Street with the following present:

Mayor Upchurch Presiding
Ms. Babb
Ms. Block
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mr. Calloway - absent and excused.

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend J. Kepley, Saint Phillips Lutheran Church after which the following matters were discussed with action taken as shown. Mayor Upchurch indicated Mr. Calloway is out of town and had called and asked to be excused. Without objection, Mr. Calloway was excused.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - AMERICAN SQUARE DANCE MONTH - PROCLAIMED

Mayor Upchurch read a proclamation for claiming the month of September, 1984, as American Square Dance Month in the City of Raleigh. The proclamation was received by John Teel, President of the Mary Mixer Square Dance Club. In accepting the proclamation, Mr. Teel briefly explained the number of square dance clubs in the City and expressed appreciation for the proclamation.

ROAD RACE - RUN FOR THE OAKS - CONTRIBUTION RECEIVED

Mayor Upchurch called on Carole Sawicki. Ms. Sawicki explained the second annual Run for the Oaks Road Race, which was conducted in the City of Raleigh, pointing out all proceeds from the race will be used for the purchase and planting of trees on streets and medians throughout the City. Ms. Sawicki introduced various people who were sponsors and played an important role in putting on the race, such as representatives from Domino's Pizza; Coca Cola; Finish Line; a computer company; Holiday Inn; various garden clubs; and representatives of the City staff; Frank Evans, John Hoppe, Steve Demastrie and Raiford Fulgham. Ms. Sawicki introduced Bob Ross, President of the North Carolina Road Runner Club, explaining the part the Road Runner Club played in the race. Checks in the amount of $1,902.01 were presented as proceeds from the race with Ms. Sawicki indicating over the two years, approximately $4,000 has been raised for the tree fund. Mayor Upchurch expressed appreciation for all who participated in putting on the race, pointing out it will have a lasting effect on aesthetics in the City of Raleigh. See Ordinance 403.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda pointing out all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor Upchurch explained the vote on the Consent Agenda will be a roll call vote.

Mr. Keller requested that the item relating to Pool Design fees and budget and the September zoning schedule be withdrawn from the Consent Agenda. Ms. Cates requested that the change order relating to Section 1 of Atlantic Avenue and transfer in Parks and Recreation Department relating to plants and maintenance be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Ms. Block moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - TWO J'S AND THE RALEIGH INN - APPROVED

This is a privilege license application for "Two J's," located at 3329 North Boulevard. The owner, Jeanette Talbott, is the individual making application. City Code Section 2-2032 (2), (3) and (5), and City Code Section 12-2118(3), require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class two entertainment center. Police and Inspections reports indicate approval.

Recommendation: Administration recommends approval of this privilege license application.

This is a privilege license application for "The Raleigh Inn," located at 6339 Glenwood Avenue. The manager, Leslie J. Dale, is the individual making application. City Code Section 202-32 (2), (3), and (5) and City Code Section 12-2118(3), require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center. Police and Inspections reports indicate approval.

Recommendation: Administration recommends approval of this privilege license application.

Consent Agenda Approval: Block/Cates - 7 ayes.

PW 1984-2 - STREET RESURFACING BIDS - MANAGER'S ACTION OF AWARDING BID TO REA CONSTRUCTION COMPANY - CONFIRMED

On August 7, 1984, Council authorized Administration to award bids to be received for street resurfacing provided competitive bids were received and the City could award bids for less than the budgeted amount of $350,000.

Bids were received and subsequently awarded to the low bidder, REA Construction Company, for $302,949. The bid had to be adjusted to delete several streets in order to be within the budget.

The bids received were from:

REA Construction Company	$425,663.00
C. C. Mangum	445,350.70

The low bid was adjusted to delete one street project, Winton Road, which is being added to the Atlantic Avenue project. Several other lower priority street sections were also deleted.

Recommendation: It is recommended that the City Council confirm the awarding of the low bid to REA Construction Company for $302,949. Consent Agenda Approval: Block/Cates - 7 ayes

MUNICIPAL LOT PARKING DECK - MANAGEMENT AGREEMENT - REVISION AUTHORIZED

On August 7, 1984, the Council approved an agreement with McLaurin Parking Company. In reviewing the document further, the management company requested that Section 16 be revised to provide that the City will pay McLaurin for the cost of parking control devices in two equal payments on December 31, 1984, and June 30, 1985. The section currently provides a three-year payback with no specified interest on the balance.

Recommendation: It is recommended that the agreement be revised as described. Consent Agenda Approval: Block/Cates - 8 ayes.

COMMUNITY DEVELOPMENT RENTAL REHABILITATION PROGRAM - GRANT AGREEMENT - APPROVED - MAYOR AUTHORIZED TO SIGN

The U. S. Department of Housing and Urban Development has approved the City's program for the Rental Rehabilitation Program and the City has received funding in the amount of $137,500.

Recommendation: It is recommended that the City Council approve the grant agreement and authorize the Mayor to execute on behalf of the City. Consent Agenda Approval: Block/Cates - 8 ayes.

COMMUNITY DEVELOPMENT LOANS AND GRANTS - VARIOUS LOCATIONS - APPROVED

The following Community Development rehabilitation loan and grant applications have been reviewed and are submitted for Council approval:

Addie G. Stroud	
112 East Lenoir Street	
Loan Amount:	$27,000.00
Grant Amount:	-0-
Total:	$27,000.00
Laura H. Yancey and James Hayes	
211 East South Street	
Loan Amount:	$10,000.00
Grant Amount:	9,000.00
Total:	$19,000.00

Recommendation: It is recommended that the two rehabilitation loan/ grant projects be approved. Consent Agenda Approval: Block/Cates - 7 ayes.

STREET CLOSING - LAKE WOODARD DRIVE - RESOLUTION OF INTENT ADOPTED

The Council has been petitioned to close a portion of the Lake Woodard Drive right-of-way. A map was included in the Council Members' Agenda packet. The request is the result of the realignment of this street which eliminates the need for this particular right-of-way.

Recommendation: It is recommended that the City Council adopt a Resolution of Intent to close the street with the condition that a 10-foot easement be retained for access to an existing gas main and that the public hearing be set for October 16, 1984. Consent Agenda Approval: Block/Cates - 8 ayes.

RESOLUTION NO. (1984) 596

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF LAKE WOODARD DRIVE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

> The portion of the existing Lake Woodard Drive beginning 580.06' west of the point where Lake Woodard Drive begins to turn into Bastion Lane, also shown on the map entitled "Tower Commercial Park Recombination of Lots 2, 4, 5 & 6," dated 3/27/84, revised 6/4/84 and shown as the area double cross-hatched north of Lots 2, 4, 5 & 6.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, October 16, 1984, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 1:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 9/4/84

STREET CLOSING - KYLE DRIVE - RESOLUTION OF INTENT ADOPTED

The Council has been petitioned to close a portion of Kyle Drive (SR 2213) located on the east side of Highway 401 North between James Road and Dansey Drive. A map was included in the Council Members' Agenda packet.

The realignment of Kyle Drive has been approved by the Council in the Sleepy Hollow Subdivision.

Recommendation: It is recommended that the City Council adopt a Resolution of Intent to close this section of street with the condition that the approved realignment of Kyle Drive be dedicated and constructed prior to abandonment of this right-of-way and with the condition that the North Carolina Department of Transportation concur with the closing. It is further recommended that the public hearing be set for October 16, 1984. Consent Agenda Approval: Block/Cates - 7 ayes.

RESOLUTION NO. (1984) 597

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF KYLE DRIVE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

> A portion of Kyle Drive, also known as SR 2213, located on the east side of Highway 401 North between James Road and Dansey Drive

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, October 16, 1984, in the Council Chamber, room 201, Municipal Building, Raleigh, North Carolina, at 1:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 9/4/84

PERSONNEL - ADVERTISING CONTRACT - CITY MANAGER AUTHORIZED TO APPROVE

To provide for the advertisement of vacant positions in City government, it is desired to enter into a contract with the News and Observer Publishing Company. As such an arrangement is a form of contracting for services, it is necessary for the Council to approve each agreement or delegate such authority to the City Manager. A copy of a typical agreement was included in the Council Members' Agenda packet.

Since these are routine transactions and frequent in occurrence, Council may wish to consider authorizing their execution by the City Manager.

Recommendation: It is recommended that the City Council authorize the City Manager to approve contracts for the advertising of vacant positions for which the City is recruiting applicants. Consent Agenda Approval: Block/Cates - 7 ayes.

ARTS - GRASSROOTS GRANTS - APPROVED

The Grassroots Committee met on July 30, 1984, to discuss the additional Grassroots allocation from the N. C. Arts Council of $7,841. The Committee recommended to the Arts Commission, and the Arts Commission approved, the following allocations. It is requested that the City Council approve the allocations and that the budgets be booked by the Finance Department:

(a) Award $1,160 for educational programs in Renaissance music to Raleigh Consort.

(b) Award $2,056 to Artspace, Inc., conditional on their revising the project: apply grant to general operations, with expenditures made on printed materials which can be evaluated.

(c) Award $3,000 to the Bach Festival for coordinator's and musicians' fees.

(d) Apply $235 to the City's 3% indirect cost allocation.

(e) Place the balance of $1,390 into the Raleigh Arts Commission Account #02-1-1630-0314 for funding opportunities that may arise in the course of the year.

Recommendation: It is recommended that the above noted grants and fund allocations be approved. Consent Agenda Approval: Block/Cates - 8 ayes.

ORDINANCE NO. (1984) 404

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget appropriations be increased to reflect acceptance of additional funding of the Grassroots Arts program as follows:

Revenue Appropriations:

02-1-1630-0100	84/85 Grassroots	$7,841.00

Expenditure Appropriations:

02-2-1630-0314	Raleigh Arts Commission	$1,390.00
02-2-1630-0320	3 % Indirect Cost - City	235.00
02-2-1630-0315	Raleigh Consort	1,160.00
02-2-1630-0316	Artspace, Inc.	2,056.00
02-2-1630-0317	Bach Festival	3,000.00
		$7,841.00

Adopted: 9/4/84

FIRE DEPARTMENT - DISTRIBUTION OF OLD FIRE HELMETS - RESOLUTION ADOPTED

In the past year, the Fire Department purchased new fire helmets necessitated by OSHA standards. The replaced helmets do not meet these regulations. The old helmets have been collected and are ready for disposal. Some members of the Fire Department place great sentimental value on these old helmets and would like the opportunity to purchase them.

City employees are prohibited from purchasing surplus City equipment. However, the unusual circumstance warrants consideration of this request.

Recommendation: It is recommended that the City Council adopt a resolution requesting that the Wake Delegation to the General Assembly submit the appropriate legislation which, if enacted by the General Assembly, would permit members of the Raleigh Fire Department to purchase the old helmets. Consent Agenda Approval: Block/Cates - 7 ayes.

ARTSPLOSURE 1985 - RENT FREE USE OF MEMORIAL AUDITORIUM GRANTED

The planners for Artsplosure desire to use the Memorial Auditorium on April 19, 1985, rent free, for the purpose of providing a free admission opera.

Council approval is required and would be appropriate since the City is a sponsor of this annual event.

Recommendation: It is recommended that approval be given to the request for use of Memorial Auditorium on April 19, 1985, without charge. Consent Agenda Approval: Block/Cates - 7 ayes.

UTILITY AGREEMENT - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION/TRYON ROAD EXTENSION - APPROVED - FUNDS APPROPRIATED

The NCDOT has a project for the construction of Tryon Road from its present end at Tryon Hills Shopping Center eastward to Garner Road. The utility agreement has been developed which calls for the State to do the adjustment of the existing utilities at their expense, and that they will install a section of 12-inch water main as part of the railroad bridge construction for which the City will pay. An estimated cost of this water main is approximately $30,000.

Recommendation: It is recommended that the Council concur in this agreement and authorize the Mayor to sign it on behalf of the City. Secondly, that the necessary funds be transferred from Account 84-2-1110-0000 to Account 84-2-1702-0101 to fund this project. Consent Agenda Approval: Block/Cates - 8 ayes. See Ordinance 405 TF4.

RESOLUTION NO. (1984) 612

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Councilwoman Block and seconded by Councilwoman Cates for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for the construction of Tryon Road Extension from Tryon Hills Shopping Center to east of Southern Railway for Projects 8.2432803 and 8.2432804; and,

WHEREAS, said Department of Transportation and the Municipality of Raleigh propose to enter into an agreement whereby said Department will include in its construction contract provisions to install various water and sewer lines along the project and attached to the proposed bridge; and,

WHEREAS, the Municipality agrees to reimburse the Department of Transportation for the cost of said waterline to be attached to the bridge with reimbursement to be made in a lump sum amount upon completion of the work.

NOW, THEREFORE, BE IT RESOLVED, that the proposed agreement is hereby formally approved by the City Council and the Mayor and Clerk are hereby authorized to execute the required agreement on behalf of the City of Raleigh.

I, Gail G. Smith, Clerk of the City of Raleigh, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 4th day of September, 1984.

Witness, my hand and the official seal of the City of Raleigh on this the 7th day of September, 1984.

(SEAL)

/s/ Gail G. Smith
Clerk
City of Raleigh
North Carolina

CITY MARKET PROJECT - CRANSTON COMPANY SERVICES BUDGET - AMENDMENT APPROVED

Under the services agreement with the Cranston Development Company, the City funding is set forth in various categories of work. A request has been received from Cranston Company to reallocate some of the City funding among the work tasks. Specifically, the request is to shift $11,000 from Item B - Legal Consultation, to Item C - Finance and Project Programming; and $2,000 from Item B to Item D - A & E Service. These adjustments do not alter the City's total financial obligation for this work under the services agreement.

Recommendation: It is recommended that the above adjustments in the services agreement be approved. Consent Agenda Approval: Block/Cates - 7 ayes.

CITY COUNCIL - TRAVEL REIMBURSEMENT FOR MAYOR - APPROVED

In accordance with Resolution (1982)-829, the following travel plans have been submitted by Mayor Upchurch:

Location: Washington, D. C.
Date: September 10 and 11, 1984
Purpose: Attend National Association of Regional Councils Transportation Conference

Estimated
Reimbursement: $275.00

Approval is recommended. Consent Agenda Approval: Block/Cates - 7 ayes.

RALEIGH DURHAM AIRPORT AUTHORITY - APPROVAL OF GRANT FOR RUNWAY 5L-23R - RESOLUTION ADOPTED

The Airport Authority has received a grant in the amount of $6,853,527 for Runway 5L-23R Paving and Lighting projects. The request is that the Council adopt a resolution accepting the grant and authorizing the execution of the grant agreement.

Consent Agenda Approval: Block/Cates - 7 ayes.

RESOLUTION NO. (1984) 598

A RESOLUTION AUTHORIZING THE ACCEPTANCE AND EXECUTION OF GRANT AGREEMENT AIP 3-37-0056-03.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Mayor be authorized to accept and execute the Grant agreement AIP 3-37-0056-03 relating to Runway 5L-23R paving and lighting projects at Raleigh Durham United Airport in the amount of $6,853,527.

Adopted: 9/4/84

Effective: 9/4/84

RALEIGH DURHAM AIRPORT AUTHORITY - EXCHANGE OF PROPERTIES - RESOLUTION ADOPTED

On February 7, 1984, the Council approved a request for land exchange between the Airport Authority and the State of North Carolina. This involved the relocation of the National Guard facility. The request is that the Council give final approval and authorize execution of the Deed, Deed of Release, and Letter of Release.

Recommendation: It is recommended that the Council approve the execution of the grant agreement and authorize execution of the appropriate documents. Consent Agenda Approval: Block/Cates - 7 ayes.

RESOLUTION (1984) 599

A RESOLUTION AUTHORIZING A LAND EXCHANGE BETWEEN THE RALEIGH DURHAM AIRPORT AUTHORITY AND THE STATE OF NORTH CAROLINA

WHEREAS on February 7, 1984, the Raleigh City Council approved in concept a request for land exchange between the Raleigh Durham Airport Authority and the State of North Carolina involving the relocation of the National Guard Facility.

WHEREAS on August 7, 1984, the Raleigh Durham Airport Authority gave final approval to the proposed transfer and authorized execution of the agreement between the Authority and the State of North Carolina as well as the deed to the property to be transferred the State and the Deed of Release and Letter of Release issued by the FAA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Raleigh City Council during its September 4, 1984, Council meeting confirmed the property exchange and authorized execution of the appropriate documents by the Mayor.

Adopted: 9/4/84

Effective: 9/4/84

CAMP DURANT - ARCHITECTURAL CONTRACT WITH REYNOLDS AND ASSOCIATES - APPROVED - TRANSFERS AUTHORIZED

On June 5, 1984, the City Council approved retention of the firm of Reynolds and Associates subject to a contract being negotiated.

A fee has been negotiated which provides for a 10% fee of total construction cost for the renovations to Campbell Lodge and Nature Lodge, which is estimated to cost $150,000.

Recommendation: It is recommended that the contract with Reynolds and Associates be approved with the noted fee schedule. The Agenda outlined the budgetary transfers that would be needed to set up the detailed accounts. Consent Agenda Approval: Block/Cates - 7 ayes. See Ordinance 405 TF4.

ROAD RACE - SPRING RACE - ALTERNATE DATE ESTABLISHED

At a previous Council Meeting, the Council approved a request by Bob Baxter to use City streets for a road race on April 14, 1985. Included in Council Members' Agenda packet was a letter concerning this project and it requests an alternate date of March 31 to allow for planning this event.

Recommendation: Since this request is for an alternate date, it is recommended that the request be approved for March 31, 1985, as an alternate date to the April 14, 1985, date for the Spring Road Race sponsored by Capitol Broadcasting Company, Inc., and Harris Wholesale Company. Consent Agenda Approval: Block/Cates - 7 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL CONSIDERATIONS

During the August 7, Council meeting, the following application for taxicab owner's permits were approved on the first consideration with the understanding that they would be placed on this Agenda for second and final consideration:

Mrs. Lenna J. Sorrell, Ebony Cab Company (New Individual Owner's Permit)

Mrs. Marie C. Banks, United Cab Company (New Individual Owner's Permit)

Marvin Barnes, Triangle Cab Company (New Individual Owner's Permit)

Recommendation: Administration recommends approval on second and final reading. Consent Agenda Approval: Block/Cates - 7 ayes.

BUDGET AMENDMENTS - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the Finance Department in the amount of $8,000 to budget reserved funds for use in acquiring counters, cabinets, furniture and fixtures for the Finance Department. A budget amendment in the amount of $82,930.45 was presented in the Community Development Department to provide sufficient funds for purchase of property for Downtown East. An amendment in the amount of $45,000 in the City Manager's budget to establish revenue and expenditure accounts for the operation of the municipal parking deck was also presented. Administration recommends approval of the budget amendments as outlined. Consent Agenda Approval: Block/Cates - 7 ayes.

ORDINANCE NO. (1984) 403

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget be amended as follows to provide necessary funds in an expenditure line item for Market Plaza Site Improvements:

Revenue:	43-1-6000-0101	Market Plaza Private Funds	$ 8,918.05
Expense:	43-2-6200-0200	Market Plaza Const.	$ 8,918.05

Section 2. That the Budget be amended as follows to establish revenue and expenditure accounts for the operation of the Municipal Parking Deck:

Revenue:	44-1-0000-0102	Mun. Deck Fees-McLaurin	$40,000.00
	44-1-0000-0103	Mun. Deck Fees-Employees	$ 5,000.00
Expense:	44-2-2000-0239	McLaurin Reimbursement-Operation	$27,000.00
	44-2-2000-0700	McLaurin Reimbursement-Equipment	$18,000.00

Section 3. That the Budget be amended as follows to budget reserve funds for use in acquiring counters, cabinets, furniture & fixtures for Finance Department:

Revenue:	43-1-5000-0101	Program Income	$82,930.45
Expense:	43-2-5052-0100	Acquisition/DTE	$82,930.45

Section 4. That the Budget be amended as follows to budget reserve funds for use in acquiring counters, cabinets, furniture & fixtures for Finance Department:

Revenue:	01-1-0090-0220	Operating Reserve	$ 8,000.00
Expense:	01-2-3010-0700	Office Equipment	$ 8,000.00

Section 5. That the Budget be amended as follows to reflect receipt of contribution from "Run For Oaks" - to be used to purchase & plant trees along streets & medians:

Revenue:	37-1-0070-0200	Misc. Income	$ 1,902.01
Expense:	37-2-3000-0160	Beauti. Tree Plntg.	$ 1,902.01

Adopted: 9/4/84

PRIVILEGE LICENSE - REQUEST FOR REFUND FROM DAYS INNS OF AMERICAN - APPROVED

Ms. Judy Ballauer, representing "Days Inns of America," located at 6329 Glenwood Avenue, is requesting a refund of $135.10 for the 1984-85 privilege license year. The reason for this request is an overpayment of this year's taxes. A request of this nature requires City Council approval before issuance of a refund.

Recommendation: It is recommended that the request for refund be approved. Consent Agenda Approval: Block/Cates - 7 ayes.

MUNICIPAL BUILDING - VARIOUS CHANGE ORDERS - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order #HVAC-1 - Stahl-Rider, Inc. in the amount of $2,030 relating to the Municipal Building. Change Order #G-10 Mid-South Construction Company, which is an addition of $5,850 was presented relating to the Municipal Building. Change Order T-1 - Telerent Lease Corporation in the amount of a deduction of $34,497.60 which was presented relating to the Municipal Complex. The Agenda outlined the budget accounts that would need to be amended if the change orders are approved as well as the reasons for the needed change orders.

Administration recommends approval of the change orders and transfers as outlined. Consent Agenda Approval: Block/Cates - 7 ayes. See Ordinance 405 TF4.

CHANGE ORDERS - VARIOUS PROJECTS - MANAGER'S ACTIONS CONCURRED WITH

The Agenda presented a number of change orders which have been administratively approved by the City Manager according to Council procedure. The change orders were as follows:

Civic Center Plaza - Utility Relocation - Change Order #G-2 - T. A. Loving Company - $313

Market Plaza Revitalization and Improvements Project - Change Order #1 - Centurion Construction Company - $475.75

Civic Center - Toilets and Additional Storage - Change Order #G-1 - Security Building Company, Inc. - $966

Civic Center - Toilets and Additional Storage - Change Orders #G-2, G-3 and G-4 - Security Building Company - $307

The Agenda outlined the reasons for the change order and budget accounts that have been approved according to Council procedure.

Recommendation: Concurrence with the Manager's actions relating to the administrative change orders and transfers is recommended. Consent Agenda Approval: Block/Cates - 7 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH - CONFIRMED

Council Members received in their Agenda packet a list of administrative transfers that have been authorized according to Council procedure by the City Manager. Concurrence with the Manager's action is recommended. Consent Agenda Approval: Block/Cates - 7 ayes.

FROM	TO	AMOUNT
43-2-5030-0101	43-2-5020-0101	$498.22
02-2-2020-0231	02-2-2020-0100	$217.28
38-2-1000-0100	38-2-2010-0104	$200.00
37-2-1600-0100	37-2-1600-0104	$190.00
18-2-0800-0260	18-2-0800-0101	$800.00
01-2-3020-0261	01-2-3020-0600	$400.00
01-2-1040-0001	01-2-1010-0700	$852.00
40-2-1510-0100	40-2-1510-0101	$307.00
40-2-1510-0100	40-2-1510-0101	$966.00
01-2-1040-0001	01-2-1100-0701	$750.00
06-2-7060-0240	06-2-7060-0240	$750.00
19-2-8250-0534	19-2-8250-0700	$225.00
18-2-1000-0263	18-2-1000-0707	$100.00
06-2-7010-0260	06-2-7010-0731	$180.00

TRANSFERS - VARIOUS DEPARTMENTS - APPROVED

The Agenda listed a number of transfers within the budgets of the City Manager, Community Development Department, Engineering, Parks and Public Utilities with recommendation of approval. The Agenda outlined the budget accounts in which the transfers are recommended as well as reasons for the transfers.

Recommendation: Administration recommends approval of the transfers as outlined in the Agenda. Consent Agenda Approval: Block/Cates - 7 ayes.

ORDINANCE NO. (1984) 405 TF 4

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amount hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	32-2-4485-0100	1983-84 Resurfacing	$ 47,051.00
From	08-2-0000-0001	Council Reserve	64,029.10
To	35-2-4020-0201	PW 1983-6, Atlantic Avenue Sec. I	111,080.10
Purpose: To fund C.O. #1 - C. C. Mangum, Inc. (PW 1983-6)			
From	43-2-6000-0100	Public Fac. Imp.	$ 412.50
To	43-2-6200-0200	Market Plaza Const.	412.50
Purpose: Providing funds for Market Plaza Site Improvements.			
From	01-2-1040-0001	Contingency	$ 1,000.00
To	01-2-1100-0267	Mun. Bldg. Dedication	1,000.00
Purpose: To cover cost for Municipal Building Dedication.			
From	01-2-1040-0001	Contingency	$ 5,000.00
To	01-2-1030-0211	Adv. & Ct. Cost	5,000.00
Purpose: To fund suit against City - Billboards.			
From	84-2-1110-0000	54" WTM Construction	$ 30,000.00
To	84-2-1702-0101	NCDOT/Tryon Road	30,000.00
Purpose: To cover work proposed by State in Utility Agreement for Tryon Road.			
From	38-2-2030-0100	Lake Johnson/E. Ral. Pools	$1,084,300.00
From	38-2-2030-0200	East & West Pools	220,000.00
To	38-2-2030-0101	East & West Pools Construction	1,227,500.00
To	38-2-2030-0102	Pool B (Design)	12,600.00
To	38-2-2030-0104	Pool D (Miscellaneous)	10,000.00
To	38-2-2030-0105	East & West Pools Access	54,200.00
Purpose: East and West Pools - to set up detailed project budget.			
From	37-2-1125-0100	Camp Durant I	$ 35,000.00
From	37-2-1125-0200	Camp Durant Gen. Imp.	98,076.00
From	37-2-1125-0201	Camp Durant-Wake	18,500.00
From	37-2-1125-0202	Wake Durant	16,500.00
To	37-2-1126-0000	Renova. Lodges Camp Durant	150,076.00
To	37-2-1126-0102	Renova. Lodges B	15,000.00
To	37-2-1126-0104	Renova. Lodges D	3,000.00
Purpose: To consolidate four accounts for renovations at Campbell and Nature lodges in Camp Durant, and to place into an account fees for architect and mis. expenses.			

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	34-2-3805-0102	Municipal Block, "B"	$ 2,030.00
To	34-2-3805-0107	Municipal Building HVAC	2,030.00
Purpose: Contract Change Order - Municipal Building - HVAC-1, Stahl-Rider, Inc.			
From	34-2-3805-0102	Municipal Block "B"	$ 5,850.00
To	34-2-3805-0101	Municipa; Building General	5,850.00
Purpose: Contract Change Order - G-10 - Mid-South Construction Company.			
From	40-2-1515-0000	Civic Center Plaza Improvements	$ 313.00
To	40-2-1515-0301	Civic Center - Utility Relocation	313.00
Purpose: Contract Change Order - Utility Relocation - Civic Center Plaza, G2, T. A. Loving Company.			
From	01-2-1040-0001	Contingency	$ 3,100.00
To	01-2-1100-0265	Other Services	3,100.00
Purpose: Moving expenses for Inspections Director.			
From	43-2-5130-0100	Salary	$ 118.00
From	43-2-5140-0100	Salaries	71.00
From	43-2-5150-0100	Salaries	26.00
From	43-2-5120-0101	Fringe	38.00
From	43-2-5130-0101	Fringe	22.00
From	43-2-5140-0101	Fringe	140.00
From	43-2-5150-0101	Fringe	59.00
From	43-2-5120-0231	Travel	457.00
From	43-2-5140-0231	Travel	73.00
From	43-2-5140-0239	Insurance	27.00
From	43-2-5150-0231	Travel	545.00
From	43-2-5120-0239	Insurance	431.00
From	43-2-5150-0239	Insurance	214.00
From	43-2-5120-0200	Accounting	370.00
To	43-2-5120-0100	Salaries	179.00
To	43-2-5130-0231	Travel	89.00
To	43-2-5120-0260	Office Supplies	392.00
To	43-2-5130-0260	Office Supplies	271.00
To	43-2-5140-0260	Office Supplies	226.00
To	43-2-5150-0260	Office Supplies	253.00
To	43-2-5120-0228	Telephone	707.00
To	43-2-5150-0229	Legal Ads	474.00
Propose: To cover projected budget overruns at RHA - No increase in contract amount.			
From	43-2-3050-0200	ED Planned Program Income	$ 18,000.00
To	43-2-3020-0200	Acq. of Real Property DTE	18,000.00
Purpose: Providing sufficient funds for purchase of property for Downtown East.			
From	43-2-5080-0100	Contingency	$ 12,000.00
To	43-2-5052-0100	Acq./DTE	12,000.00
Purpose: Same as above.			
From	43-2-5060-0100	Loans & Grants	$ 854.96
To	43-2-5060-0200	Warranties	854.96
Purpose: Providing necessary funds to honor rehab warrnaty claims.			
From	43-2-3060-0100	Loans & Grants	$ 2,500.00
To	43-2-3060-1100	Warranties	2,500.00
Purpose: Providing necessary funds to honor rehab warranty claims.			
From	43-2-5110-0100	Code Enforcement	$ 9,400.00
To	43-2-5051-0104	Site Imp/NBP	9,400.00
Purpose: Providing sufficient funds for landscaping at New Bern Place Site.			
From	32-2-1000-0100	Reserve for Council Projects	$ 28,483.76
To	30-2-3000-0201	Utilities Railroads	28,483.76
Purpose: Provides funds for Norfolk & Southern, Southern and Seaboard Railroads for final bills in relocation of railroad equipment on the Boylan avenue bridge project.			
From	01-2-6050-0236	Equipment Rental	$ 5,103.36
To	01-2-5020-0230	Motor Vehicle M&O	5,103.36
Purpose: Constructing Greenway trails at Lake Johnson & Lassiter Mill.			
From	01-2-1040-0001	Council Contingency	$ 2,553.96
To	01-2-6020-0285	Plants & Maint., M. Bldg.	2,553.96
Purpose: To purchase plants for lobby of Municipal Building and 10 months maintenance of plants.			
From	06-2-7100-0001	Contingency	$ 11,500.00
To	06-2-7010-0267	Hydrilla Study	11,500.00
Purpose: To fund continuation of Hydrilla Study for fiscal year '85 as approved by Council on 4/3/84.			

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Council Contingency	$ 6,500.00
To 01-2-1220-0265	Other Services	6,500.00

Purpose: To supply funds to provide services as outlined in proposed TC-268.

From 38-2-3040-0102	Green Road Park	$ 336,000.00
From 38-2-3040-0100	Green Road	220,055.00
To 38-2-3040-0101	Green Road A	556,055.00

Purpose: Green Road Park Center - General Construction.

From 38-2-3040-0100	Green Road	$ 38,715.00
To 38-2-3040-0105	Green Road-Plumbing	38,715.00

Purpose: Green Road Community Center - Plumbing.

From 38-2-3040-0100	Green Road	$ 66,072.00
To 38-2-3040-0106	Green Road - HVAC	66,072.00

Purpose: Green Road Community Center - HVAC.

From 38-2-3040-0100	Green Road	$ 44,483.00
To 38-2-3040-0107	Green Road - Electrical	44,483.00

Purpose: Green Road Community Center - Electrical.

From 37-2-1000-0100	Council Reserve	$ 24,000.00
From 37-2-1125-0100	Camp Durant I	21,000.00
To 37-2-1125-0203	Camp Durant Dams	45,000.00

Purpose: Dam repairs in Durant Nature Park.

From 37-2-1800-0110	Worthdale Park Bldg.	$ 18,000.00
To 37-2-1800-0111	Worthdale Park Improv.	18,000.00

Purpose: To install lights in parking lot, provide gate at entrance, and additional screen planting for safety and improvement in Worthdale Park.

Adopted: 9/4/84

BID REQUEST 84-16 - 300 VALVE BOXES - BID AWARDED TO HARDY NEWSOM, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 23, 1984, for 300 valve boxes with results as follows: Hardy Newsom, Inc. - $8,910; Davis Meter and Supply - $9,501. Administration recommends the low bid submitted by Hardy Newsom, Inc., be awarded. Consent Agenda Approval: Block/Cates - 7 ayes.

BID REQUEST 84-18 - CORROSION INHIBITOR - BID AWARDED TO VIRGINIA CHEMICALS

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 27, 1984, for a price agreement until June 30, 1985, for Corrosion Inhibitor. It was pointed out the City asked for the cost of Corrosion Inhibitor required to treat 30 MGD of potable water. Previous trials were tried and as the result, these two manufacturers had a product that met the City's specification. The results of the bids were as follows: Virginia Chemicals - $49,223.02; Calgon Corporation - $65,752.32. Administration recommends the low bid submitted by Virginia Chemicals be awarded. Consent Agenda Approval: Block/Cates - 7 ayes.

PU 1984-7 - BRADDOCK DRIVE AREA - RESOLUTION OF INTENT ADOPTED

The Agenda indicated it is recommended that approximately 2,238 feet of 8-inch sanitary sewer main be installed beginning at 3101 Braddock Drive, respectively, northwest to Dodsworth Drive, thence starting at 6101 Dodsworth North to tie into existing line at Winthrop Drive. The estimated cost of the project is $56,000 and it is recommended that assessment be on the per lot basis.

Recommendation: It is recommended that the Council adopt a resolution of intent and schedule a public hearing for October 2, 1984. Consent Agenda Approval: Block/Cates - 7 ayes.

RESOLUTION NO. (1984) 601

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

PU 1984-7 - Installation of approximately 2,238 feet of 8-inch sanitary sewer main beginning at 3101 Braddock Drive respectively northwest to Dodsworth Drive, thence starting at 6101 Dodsworth north to tie into existing line in Winthrop Drive.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Per lot basis.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160?A-232 of the General Statutes of North Carolina, as amended, such property owner shall have option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the Second Day of October, 1984, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 9/4/84

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda outlined recommended changes in the traffic code relating to channelization on Cabarrus Street at McDowell Street, 15 minute parking on Morgan Street, no parking in areas of Kaplan Drive and no turn on red restrictions at Ashe and Hillsborough Streets, as well as loading zone changes on McDowell and Person Streets.

Recommendation: Administration recommends approval of the traffic changes as outlined. Consent Agenda Approval: Block/Cates - 7 ayes.

ORDINANCE NO. (1984) 406

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule 1-B of the Traffic Schedule be amended by adding the following: (No Turn on Red)

Ashe Avenue at Hillsborough, north bound approach
Hillsborough Street at Ashe Avenue, east bound approach

Section 2. That Schedule 6C10 entitled "CHANNELIZATION" be amended by adding the following:

Cabarrus Street, eastbound at McDowell Street

Section 3. That Traffic Schedule 6C15 be amended by deleting the following:

Cabarrus Street, eastbound at McDowell Street

Section 4. That Schedule 13 entitled "NO PARKING" be amended by adding the following:

Kaplan Drive, south side, from Swallow Drive westward 125 feet

Section 5. That Traffic Schedule 15A entitled "15 MINUTE PARKING" be amended by adding the following:

Morgan Street, north side, from McDowell Street eastward 121 feet

Section 6. That Traffic Schedule 17 entitled "LOADING ZONES" be amended by adding the following:

McDowell Street, west side, beginning at a point 170 feet north of Cabarrus Street, northward 45 feet

Person Street, east side, beginning at a point 65 feet north of Martin Street, northward 40 feet

Section 7. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. That this ordinance shall become effective September 11, 1984.

Adopted: 9/4/84

Effective: 9/11/84

END OF THE CONSENT AGENDA

POOL DESIGN FEES AND BUDGET - LONGVIEW AND ATHENS - BUDGET APPROVED; INCREASE IN DESIGN FEES - DENIED

The architect for the Longview and Athens pools has requested an increase in compensation for basic design services. This request is based on his opinion that the project scope has been adjusted since the original design contract was signed.

Administration has reviewed this request and recommends an increase in basic fee of $5,000 based on time required to ascertain project scope, investigating alternative sites, and preparing responses to various requests related to pool size and composition. It should be noted that Council has previously approved an additional $12,600 for the design of diving pools as alternates.

Recommendation: It is recommended that the design fee be increased by $5,000 and that the detailed budget be set up for the Pool Construction Program as outlined on the Agenda with it being pointed out the total budget is $1,304,300.

Mr. Keller indicated he requested that this be withdrawn from the Consent Agenda questioning why we are talking about more money. City Manager Benton explained when the Council approved the design concept for the pool, the Council authorized the architect to design the alternative of diving wells at each site which was an additional $12,600. He indicated this had a net impact of $5,000 increase in the basic design service, and if this request for increase is approved, the total design cost would be $17,600. Lengthy discussion took place as to what else had been changed and the amount of design fees for the diving wells. City Manager Benton indicated the architect says there has been considerable, additional work involving these two projects. He indicated Administration has negotiated with the architect to bring it to this level. He indicated the fixed fee was intended to avoid cost overrun. He indicated, with this additional fee, the design cost would be approximately 8% of the estimated construction cost and that is why he had recommended approval. Ms. Babb questioned if this related to the confusion about siting the pool at Athens Drive. Mr. Walters pointed out this bothers him the same as the last two pools, pointing out they were always listed on the Agenda as the Martin/Biltmore pools. He indicated all of the changes in that project related to the Martin pool not the Biltmore, and these changes relate to the Athens Road pool only, with Ms. Block pointing out she did not remember anything about the diving pool at Athens, and as far the problem relating to location, the Public Works Committee spend and hour and a half at the site. She indicated she shared the concern about the increasing fees pointing out we did get a fixed fee, and she doesn't believe the proposed increase could be contributed to actions of the Council. Ms. Cates moved that this item be referred to Law and Finance Committee. Her motion was seconded by Ms. Block and put to a vote which passed unanimously.

Later in the meeting, Mr. Keller moved that the Council reconsider the action relative to referring this item to Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. Mr. Keller moved that the City Council deny the request for the additional $5,000 in design fees and approve the budget for the total pool construction as recommended. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4.

SEPTEMBER ZONING SCHEDULE - APPROVED WITH ZONING TOUR BE SCHEDULED FOR SEPTEMBER 17

At the July 31 deadline, twenty-four rezoning requests and two text changes had been received.

Recommendation: It is recommended that Council schedule the zoning tour for Wednesday (8:00 a.m.), September 12; that one hearing be set for Tuesday evening, September 18, 1984, at 6:30 p.m. and another hearing for Thursday evening, September 20, at 6:30 p.m.

Mr. Keller indicated he understood there was problems with Council members being able to conduct a zoning tour on September 12. After brief discussion, Mr. Keller moved that the zoning tour be scheduled for September 17 at 8:00 a.m. and that one hearing be set for Tuesday evening, September 18 and another for Thursday evening, September 20, both at 6:30 p.m. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PW 1983 - 6 - ATLANTIC AVENUE CHANGE ORDER #1 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order #1 - C. C. Mangum, Inc., which is an addition of $111,080.10. This relates to the Atlantic Avenue Section 1 Highwoods. The Agenda outlined the transfers that would need to be approved if this change order is approved. Discussion took place with Chief Engineer Thomas explaining the reason for the change order relates to taking the resurfacing of Winton Road out of our resurfacing contract and adding it to PW 1983-6. He indicated it also related to additional storm drain requirements, relating to the fact that we will cross State property under the Beltline and problems encountered relating to drainage, etc. Mayor Upchurch indicated he had looked at this area and there is some problems with the storm drainage that will take particular attention.

Ms. Cates questioned the source of funds for the change order, with it being pointed out this is the Council reserve for capital projects, not general funds Council reserve. Ms. Cates moved approval of the change order and related transfer. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4.

TRANSFER - PARKS AND RECREATION DEPARTMENT RELATING TO PLANTS - APPROVED

The Agenda listed a transfer in the amount of $2,553.96 in the Parks and Recreation Department with the source of funds being Council contingency with the purpose stated as being necessary to purchase plants for lobby of the Municipal Building and ten months maintenance on the plants ($1,755.96 initial purchase with $80 per month maintenance fee).

Ms. Cates questioned if these plants would be under warranty and if the City's Parks and Recreation Department could provide and maintain the plants. City Manager Benton indicated this has been investigated, and it is felt that this would be the better and cheaper way to provide the plants, as it would reduce time that the staff has to spend in maintaining and require the vendor to maintain the plants. Ms. Cates moved approval of the transfer as outlined. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it will be handled in the same manner as the regular Consent Agenda. He explained how the items are marked that are within floodplain areas as well as how the items are marked that are within the Falls Basin. Mayor Upchurch requested that CR-5199 (S-140-84) be withdrawn. Mr. Keller requested that CR-5192 (S-123-84) and CR-5219 (Z-90-84) be withdrawn. Ms. Cates requested that CR-5201 (PA-226) and 5217 (Z-74-84) be withdrawn. Ms. Block requested that CR-5216 (TC-268) be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Ms. Block questioned the items or matters that relate to floodplain questioning if the request would have an effect on the floodway. Planning Director Chapman indicated where flood fringe is identified, it is the City staff's belief that there are buildable lots or subsequent plan approval would minimize any effect on the floodway. Mr. Congleton moved that the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

S-117-84 - MARGARET WEST PROPERTY - APPROVED

This was a request for approval to subdivide a 0.6 acre tract into two (2) lots, zoned Residential-6. Lot 2 is developed as a single-family house.

The property is located on the northwest corner of Claremont Road and Anderson Drive, inside the City Limits.

CR-5186 from the Planning Commission recommended that this request be approved according to a map entitled, "Margaret West Property," the property of Margaret Anne West, drawn by Robert T. Newcombe, RLS, dated July, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-118-84 - AARON WALL PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide an 11.81 acre parcel into two (2) lots, zoned Industrial-I. Lot 1 is developed as a retail use.

This property is located on the west side of Old US 1 North, just south of Greshams Lake, outside the City Limits.

CR-5187 from the Planning Commission recommended that this request be approved according to a map entitled, "Aaron Wall Property," the property of Aaron Wall, drawn by Daniel W. Joyner, dated July 31, 1984, with the following conditions: (1) That a stormwater management plan and program be developed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; and (2) that the developers conform to the current Perry Creek Development Policy. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-119-84 - NORTH HILLS EXTENDED, SECTION 2 - APPROVED

This was a request for approval to subdivide a 2.3 acre parcel into four (4) lots which are currently undeveloped and zoned Residential-4.

The property is located at the south end of Keswick Drive and the south side of Kershaw Drive, inside the City Limits.

CR-5188 from the Planning Commission recommended that this request be approved according to a map entitled, "North Hills Extended, Section 2," the property of Tall House Building Company, drawn by Tall House Building Company, dated June 14, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-120-84 - BOBBY GILL PROPERTY - APPROVED

This was a request for approval to subdivide a 12.32 acre tract which is currently undeveloped and zoned Residential-4 into six (6) lots.

The property is located on the west side of Cross Link Road, just west of Seabrook Road, inside the City Limits.

CR-5189 from the Planning Commission recommended that this request be approved according to a map entitled, "Bobby Gill Property," the property of Bobby Gill, drawn by L. I. Chasak, R.L.S., dated June 6, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-121-84 - BERKSHIRE DOWNS WEST REVISION - APPROVED WITH CONDITIONS

This was a request for approval to revise the location of 35 townhouse units and drop one (1) townhouse unit. The site is 105 acres which are currently under development and are zoned Residential-6.

The property is located on the west side of Perry Creek Road, just north of US 1 North, outside the City Limits.

CR-5190 from the Planning Commission recommended that this request be approved according to a map entitled, "Berkshire Downs West Revisions," the property of Eastman Development Company, drawn by Priest, Craven and Associates, dated October, 1983, with the following conditions: (1) That the developer pay all fees associated with the Perry Creek Development Policy; (2) that a stormwater management plan be approved by Staff in conformance with the Perry Creek Stormwater Management Policy being considered by the City Council; and (3) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-122-84 - OLDE BROOKHAVEN - APPROVED WITH CONDITION

This was a request for approval to subdivide a 22.27 acre parcel zoned Residential-4 into 28 lots. One lot will have an existing single-family unit on it.

The property is located south of Gainsborough Drive, just north of Winthrop Drive, outside the City Limits.

CR-5191 from the Planning Commission recommended that this request be approved according to a map entitled, "Olde Brookhaven," the property of Marlowe Development Company, drawn by Priest, Craven and Associates, Incorporated, dated June 29, 1984, with the condition that no plats be recorded prior to the 580 feet of Battleford Drive to the north of this tract being constructed to City standards and necessary right-of-way being dedicated. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-124-84 - MISSION VALLEY SHOPPING CENTER PROPERTY - APPROVED WITH CONDITION

This was a request for approval to subdivide a 17.9 acre site which is currently being developed as a shopping center into four (4) lots, zoned Shopping Center.

The property is located at the northeast corner of Avent Ferry Road and Cardinal Gibbons Drive, inside the City Limits.

CR-5193 from the Planning Commission recommended that this request be approved according to a map entitled, "Mission Valley Shopping Center Property," the property of J. W. York, drawn by John A. Edwards and Company, dated June 12, 1984, with the condition that, since this has been approved as an overall shopping center (SC-176, approved on January 18, 1984), all lots conform to the overall approved plan and sign criteria unless revisions are approved by the City prior to the development of the lots. Consent Agenda Approval: Congleton/Babb - 7 ayes.

SC-248 - MISSION VALLEY SHOPPING CENTER SIGN CRITERIA - APPROVED

This was a request for approval of a sign criteria for the 17.9 acre tract which is being developed as a shopping center, zoned Shopping Center.

The property is located at the northeast corner of Avent Ferry Road and Cardinal Gibbons Drive, inside the City Limits.

CR-5194 from the Planning Commission recommended that this request be approved according to a document and drawings entitled, "Mission Valley Shopping Center, Tenant Sign Criteria, Revised August 6, 1984," the property of J. W. York, drawn by Jerry Turner and Associates, dated August 6, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-126-84 - LANDINGS AT NORTH RIDGE - PHASE 3 - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct nine (9) townhouse units on 2.15 acres which are currently developing as a townhouse development and are zoned Residential-6 (1.12 acres) and Conservation/ Buffer (1.03 acres). Approval is also requested to transfer three (3) units from the Conservation/Buffer as allowed by the Code.

The property is located on the north side of Weybridge Drive, just east of Rainwater Road, inside the City Limits.

CR-5195 from the Planning Commission recommended that this request be approved according to a map entitled, "Landings at North Ridge, Phase 3," the property of Hunter Point Associates, drawn by Jerry Turner and Associates, dated June 29, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (2) that the site plan be recorded in conformance with Section 10-2022(2)(f). Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-127-84 - WATERFORD OFFICE PARK OFFICE CONDOMINIUMS - APPROVED WITH CONDITION

This was a request for approval of a 21,600 square foot office condominium project consisting of two (2) buildings on a 2.48 acre site which is undeveloped and zoned Office and Institution-III.

The property is located on the north side of Mourning Dove Road, just east of Six Forks Road, outside the City Limits.

CR-5196 from the Planning Commission recommended that this request be approved according to a map entitled, "Waterford Office Park Office Condominiums," the property of Waterford Office Park Associates, drawn by Priest, Craven and Associates, dated August 23, 1984, with the condition that a cross-parking and access agreement be reviewed and approved by the City Attorney's Office and recorded prior to recording of the final plats for the lots. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-228 - WATERFORD OFFICE PARK - APPROVED WITH CONDITION

This was a request for approval of a three-building office park with a total of 36,000 square feet on 3.95 acres (three parcels), zoned Office and Institution-III. Lot 4 will be a 21,600 square foot office condominium project (two buildings). [See S-127-84]. Lot 5 will be a 14,400 square foot office building. Lot 6 is an existing cemetery site.

The property is located on the northeast side of Mourning Dove Road and Six Forks Road, outside the City Limits.

CR-5197 from the Planning Committee recommended that this request be approved according to a map entitled, "Waterford Office Park," the property of Waterford Office Park Associates, drawn by Priest, Craven and Associates, dated August 23, 1984, with the condition that the cross-parking and access agreement be reviewed and approved by the City Attorney's Office and recorded prior to recording of the final plats for the lots. Consent Agenda Approval: Congleton/Babb - 7 ayes.

S-139-84 - NORTH RIDGE ESTATES REVISION - APPROVED

This was a request for approval to revise the previously approved plan by changing a cluster unit development to a single-family development consisting of 169 lots - 168 single-family lots and one large tract. The project has 119.6 acres and is zoned Residential-4.

The property is located at the north end of Rainwater Drive and west of Litchford Road, outside the City Limits.

CR-5198 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Estates Revision," the property of North Ridge Estates Associates, drawn by Priest, Craven and Associates, dated August 14, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-225 - 7610 FALLS OF NEUSE ROAD OFFICE BUILDING - APPROVED

This was a request for approval to construct a 24,436 square foot office building on a 1.87 acre tract zoned Office and Institution-II and Conservation/Buffer. At present, the site has a small utility building on it.

The property is located on the east side of Falls of the Neuse Road, just south of Strickland Road, inside the City Limits.

CR-5200 from the Planning Commission recommended that this request be approved according to a map entitled, "7610 Falls of the Neuse Office Building," the property of Kent Associates, drawn by Envirotek, Incorporated, dated August 6, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-227 - EATON BUILDING - APPROVED WITH CONDITION

This was a request for approval to construct a mixed-use building consisting of 2,850 square feet of office space and 5 one-bedroom units on 0.25 acre which is currently vacant and zoned Office and Institution-I.

The property is located on the north side of West Jones Street, just west of Glenwood Avenue, inside the City Limits.

CR-5202 from the Planning Commission recommended that this request be approved according to a map entitled, "Eaton Building," the property of Harry H. Eaton, drawn by Leif Valand, Architect, dated July 1, 1984, with the condition that the off-site parking be provided in conformance with Section 10-2061(k)(1) and verified prior to issuance of a building permit. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-233 - GLENWOOD CORPORATE CENTER - APPROVED

This was a request for approval to construct an office project consisting of four buildings (379,392 square feet total) on four lots (32.75 acres), zoned Office and Institution-I (14.52 acres), Office and Institution-III (7.29 acres), and Conservation/Buffer (10.44 acres).

The property is located on the north side of Glenwood Avenue, just west of Morehead Drive, inside the City Limits.

CR-5203 from the Planning Commission recommended that this request be approved according to a map entitled, "Glenwood Corporate Center," the property of Glenwood Associates, drawn by J. N. Pease and Associates, dated August 7, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-234 - GULF CONVENIENT STORE - APPROVED

This was a request for approval to construct a 1,497 square foot convenience store on a .61-acre site zoned Neighborhood Business. The site is developed as a automotive service station and car wash.

The property is located on the southeast corner of Whitaker Mill Road and Wake Forest Road, inside the City Limits.

CR-5204 from the Planning Commission recommended that this request be approved according to a map entitled, "Gulf Convenience Store," the property of Gulf Oil Company, drawn by Gulf Oil Company, dated July 18, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-235 - DAIL ENTERPRISES, INCORPORATED - APPROVED

This was a request for approval to construct a 3,240 square foot fast-food restaurant on a 0.73 acre parcel which is currently undeveloped and zoned Neighborhood Business.

The property is located on the south side of Hillsborough Road, just east of the intersection with Western Boulevard, inside the City Limits.

CR-5205 from the Planning Commission recommended that this request be approved according to a map entitled, "Dail Enterprises, Incorporated," the property of Dail Enterprises, Incorporated, drawn by Bass, Nixon and Kennedy, dated July 1, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-237 - LIGHTNER FUNERAL HOME - APPROVED

This was a request for approval to construct a 9,509 square foot funeral home on 7.86 acres, zoned Office and Institution-I.

The property is located at the southwest corner of Dandridge Drive and Cross Link Road, inside the City Limits.

CR-5206 from the Planning Commission recommended that this request be approved according to a map entitled, "Lightner Funeral Home," the property of Clarence Lightner, drawn by White and Slack, Architects, dated July 18, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-238 - FIRST CHURCH OF CHRIST SCIENTISTS - APPROVED

This was a request for approval to expand by 935 square feet an existing 2,400 square foot church on a .25 acre parcel zoned Office and Institution-I.

The property is located on the northwest corner of Hillsborough Street and Park Drive, inside the City Limits.

CR-5207 from the Planning Commission recommended that this request be approved according to a map entitled, "First Church of Christ Scientists," the property of First Church of Christ Scientists, drawn by B. A. Farrell, dated July 12, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-239 - RUSH STREET SHOPPING CENTER ADDITION - APPROVED WITH CONDITION

This was a request for approval to add 1,800 square feet to an existing 4,400 square foot shopping area, zoned Neighborhood Business.

The property is located at the southeast corner of Rush Street and Sheldon Drive, inside the City Limits.

CR-5208 from the Planning Commission recommended that this request be approved according to a map entitled, "Rush Street Shopping Center Addition," the property of M. T. Nowell, drawn by M. T. Nowell, dated July 15, 1984, with the condition that a detailed landscaping plan be approved by the Staff prior to issuing a building permit. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-249 - GATEWAY APARTMENTS - APPROVED WITH CONDITIONS

This was a request for approval to construct 41 residential units on 1.67 acres which are currently developed and zoned Office and Institution-I.

The property is located at the southeast corner of Timber Drive and Crabtree Boulevard, inside the City Limits.

CR-5209 from the Planning Commission recommended that this request be approved according to a map entitled, "Gateway Apartments," the property of Seby B. Jones, drawn by Lawrence and Lawrence, Architects, dated July 30, 1984, with the following conditions: (1) That a detailed landscaping plan be approved by the Staff prior to issuing a building permit, and (2) that the landscaping provide protection to the adjacent residential property. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-250 - STANDARDS LABORATORY - APPROVED

This was a request for approval to construct a 5,777 square foot laboratory on a 5.9 acre parcel which is currently undeveloped and zoned Office and Institution-I.

The property is located on the north side of District Drive, just west of Blue Ridge Road, outside the City Limits.

CR-5210 from the Planning Commission recommended that this request be approved according to a map entitled, "Standards Laboratory," the property of the State of North Carolina, drawn by Polier, Ballard and Associates, dated February 29, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

PA-251 - ROLLINS ANIMAL LAB ADDITION - APPROVED WITH CONDITION

This was a request for approval of a 14,100 square foot addition to an existing 13,864 square foot building on a four (4) acre site which is zoned Office and Institution-I.

The property is located on the western side of Blue Ridge Road, just north of Reedy Creek Park Road, outside the City Limits.

CR-5211 from the Planning Commission recommended that this request be approved according to a map entitled, "Rollins Animal Lab Additions," the property of the State of North Carolina, drawn by F. Carter Williams, Architects, dated August 24, 1984, with the condition that the landscaping plan be approved by the Staff prior to release of the approved plans. Consent Agenda Approval: Congleton/Babb - 7 ayes.

SC-247 - SIX FORKS ANIMAL HOSPITAL SIGN - APPROVED

This was a request for approval to construct a 24 square foot freestanding sign on a 0.72± acre parcel which is currently used as an animal hospital and zoned Shopping Center.

The property is located on the east side of Six Forks Road, just south of Newton Road, inside the City Limits.

CR-5212 from the Planning Commission recommended that this request be approved according to a map entitled, "Six Forks Animal Hospital," the property of Peggy Cobb, drawn by Harrell Sign Company, dated July 2, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

SC-253 - LONGVIEW SHOPPING CENTER SIGN REVISIONS - APPROVED

This was a request for approval to revise a previously approved sign criteria for the shopping center, zoned Shopping Center. The center is currently being expanded (SC-229, approved April 3, 1984).

The property is located on the south side of New Bern Avenue, just east of King Charles Road, inside the City Limits.

CR-5213 from the Planning Commission recommended that this request be approved according to a document and drawings entitled, "Sign Criteria, Longview Shopping Center," the property of Longview Shopping Center, drawn by Longview Shopping Center, dated August 13, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

SC-254 - SUNDOWN INN SIGN REVISION - APPROVED

This was a request for approval to revise a previously approved freestanding sign by moving the location and increasing the size from 36 square feet to 100 square feet. The site is approximately 0.8 acre, zoned Shopping Center and developed as a 40-unit motel.

The property is located on the south side of US 70 West, just west of Pleasant Valley Road, inside the City Limits.

CR-5214 from the Planning Commission recommended that this request be approved according to a map entitled, "Sundown Inn Sign Revision," the property of Sundown Inns of America, drawn by Fred Tolson Associates, dated May 28, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

SC-255 - DAIRY PIT STOP SIGN - APPROVED

This was a request for approval for a 108 square foot sign for an existing fast-food restaurant located on a .52 acre site, zoned Shopping Center.

The property is located on the south side of Pecan Road, west of South Saunders Street, inside the City Limits.

CR-5215 from the Planning Commission recommends that this request be approved according to a map entitled, "Dairy Pit Stop Sign," the property of Gary Holmes, drawn by Gary Holmes, dated August 23, 1984. Consent Agenda Approval: Congleton/Babb - 7 ayes.

REZONING Z-92-84 - GRESHAM LAKE ROAD - DENIED

This was a request for approval to rezone approximately 7.5 acres from Residential-1 to Industrial-I.

CR-5220 from the Planning Commission recommended that Z-92-84 be denied. Consent Agenda Approval: Congleton/Babb - 7 ayes.

REZONING Z-103-84 - NC HIGHWAY 54 - DENIED

This was a request for approval to rezone approximately 11 acres from Residential-10 to Industrial-I and Conservation/Buffer.

CR-5222 from the Planning Commission recommended that Z-103-84 be denied. Consent Agenda Approval: Congleton/Babb - 7ayes.

REZONING Z-104-84 - EAST EDENTON STREET - DENIED

This was a request for approval to rezone approximately one-fourth acre from Office and Institution-I to Neighborhood Business.

CR-5223 from the Planning Commission recommended that Z-104-84 be denied. Consent Agenda Approval: Congleton/Babb - 7 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

S-123-84 - MILLSTREAM - APPROVED

This was a request for approval to subdivide a five-acre tract which is currently undeveloped and zoned Residential-4 into 10 lots.

The property is located on the east side of Lassiter Mill Road, just south of Old Lassiter Mill Road, inside the City Limits.

CR-5192 from the Planning Commission recommended that this request be approved according to a map entitled, "Millstream," the property of John Acton, Val Valentine and Terry Reeves, drawn by LaMarr Bunn and Associates, dated August 20, 1984.

Planning Director Chapman explained the subdivision and Planning Commission Chairman McNeely explained the Planning Commission's deliberation on this item. Mr. Keller questioned if this was on the north or the south side of the creek, with Planning Director Chapman indicating it is on the south side in the flood fringe area. He explained the flood way boundary has been recently redefined. Mr. Keller indicated he

was concerned about this area pointing out they just brought dirt in and filled the area and he is worried about possible flooding. Ms. Cates indicated she had the same concerns and had checked and asked 50 or more questions and she is convinced there is nothing the Council can do to prevent building on this site. She stated she feels that the builder will do everything possible to protect the area pointing out, the perspective owners have to be notified by deed form that this is flood plain land. Whether there is buildable land on each lot was discussed, after which Ms. Cates moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-140-84 - DURANT TRAILS SUBDIVISION REVISION

This was a request for approval to resubdivide 208 acres into 520 single-family units and two (2) large tracts, zoned Residential-6 and Conservation/Buffer. The revision is the elimination of the Cluster Unit Development.

The property is located on the east side of Litchford Road, south of Durant Road and bounded by Camp Durant on the southeast side, outside the City Limits.

CR-5199 from the Planning Commission recommended that this request be approved according to a map entitled, "Durant Trails Subdivision Revision," the property of Raleigh Properties, drawn by Triangle Engineering Services, Incorporated, dated June 19, 1984, with the following conditions: (1) That the proposed sewage treatment facility along Simms Branch (Reedy Creek) east of Durant Nature Park be relocated in a mutually agreeable location to both the City and the developer; (2) that the sewage treatment facility be designed to accommodate the total upper drainage basin with possible phasing on construction of the treatment plant; (3) that a stormwater management plan be developed that would insure that any impact on Simms Branch (Reedy Creek) and ongoing park programs at Durant Nature Park would be minimized and the plan approved by the Conservation Section and the Planning Department; (4) that the developer pay the initial cost for installation of sanitary sewer lines with reimbursements through acreage fees for 12-inch and larger trunk lines; (5) that the developer pay utility acreage fees as the property is developed; (6) that the developer pay a system development fee for each dwelling unit to be determined later by the City and would be used to aid in development of the sewer system to ultimately serve this basin; (7) that the City may add a user surcharge to aid in the capital cost associated with the ultimate service of sanitary sewer in this area; and (8) that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats to maintain the storm drainage system and impoundment areas; and if the developer conveys the private sewage treatment facility to the homeowners association, the association must include the entire 208 acres minus the City of Raleigh.

Mayor Upchurch called Council members' attention to the note on the Agenda which indicated that since the Planning Commission action, the applicant has asked that the revision to the subdivision be withdrawn and that the Council take no action on the subdivision review. Therefore without objection, the item was referred back to the Planning Commission.

PA-226 - HUNTINGTON HILLS APARTMENTS - APPROVED WITH CONDITION

This was a request for approval to construct 430 residential units on a 21.8 acre site which is currently undeveloped and zoned Office and Institution-I.

The property is located at the southwest corner of Duraleigh Road and proposed Pleasant Valley Road Extension, outside the City Limits.

CR-5201 from the Planning Commission recommended that this request be approved according to a map entitled, "Huntington Hills Apartments," the property of C Square Investments, Incorporated, drawn by Paton, Zucchino and Associates, dated July 2, 1984, with the condition that sidewalks be provided along Duraleigh Road in accordance with the City Code.

Planning Director Chapman explained the plan approval with Planning Commission Chairman McNeely explaining discussion in the Planning Commission on this item. Ms. Cates questioned if all of the setbacks from the street are 30 feet with Mr. Chapman indicating from public streets, all setbacks are 30 feet. Brief discussion took place on the sidewalk requirement with Ms. Cates indicating she just wanted to make sure that sidewalks would be provided along Duraleigh Road. Ms. Cates moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TC-268 - SUNSET CLAUSE - APPROVED

This was a request for approval to amend the Subdivision Ordinance to cause preliminary subdivision approval or any plan approval required by the Zoning Ordinance to become invalid three years and five years following the date of approval of same, unless a specific degree of completion of the subdivision or project for which the plan was prepared has been achieved; and to repeal the portion of Section 10-2043 requiring the three-year review of Shopping Center zoning, require additional information on final subdivision plats and require all plats and recombinations to be recorded by the City.

CR-5216 from the Planning Commission recommended that TC-268 be approved as amended; that is, that the text change approved with amendments to: (1) Allow the City Council, based on stated findings, to extend the three-year and five-year time periods; and (2) allow the private sector to continue to record plats and to make the City responsible for making copies of recorded plats.

Ms. Block indicated she has no problems with Amendment No. 2 as outlined on the Agenda. She stated, however, she was concerned about the first amendment which would allow the City Council, based on stated findings, to extend the three and five year time periods. She indicated she thought that was the purpose of a sunset clause - that is - to make sure that all plans did sunset and there was no amendments or extensions. Mr. McNeely indicated this was discussed in detail in the Planning Commission. He stated when a project has merely taken longer to reach certain stages of development, pointing out in very large projects, sometimes the planning period is extremely long, that the Planning Commission felt that there needed to be some escape valve to allow the City Council to extend the period. He indicated there would have to be a certain amount of judgement, and they did not feel it was fair not to have some type escape valve with Mr. Block pointing out if progress is being made on a project, there would be no sunset, so why should an extension be granted. City Attorney McCormick indicated if an extension is granted, then the laws, rules, regulations, etc., that were in effect at the time of the extension, would have to be complied with. Mr. Keller indicated that he had concerns about this also, but the City Attorney's statement had satisfied him, that is, at the time of the extension, all conditions of a plan must conform with the present ordinances, etc., that is, everything in effect at the time of the extension. Mr. Chapman indicated there would be no review or action on a plan unless the developer or applicant requests a review and extension. Mr. Walters moved the Planning Commission's recommendation be upheld which was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 407 TC 222

AN ORDINANCE TO ESTABLISH TIME LIMITS IN WHICH SUBDIVISIONS AND SITE PLANS ARE TO BE UNDERTAKEN

WHEREAS, the Raleigh City Council finds that the time limits established herein will prevent development of plans which no longer comply with the comprehensive plan, and current City Code provisions; and

WHEREAS, the ordinance will facilitate the review of new plans by eliminating the need to research old plans submitted on a site and by curtailing the submission of speculative plans.

WHEREAS, the additional information on the final plat will facilitate city record keeping and the issuance of building permits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-3005(a) of the Raleigh City Code is hereby amended to add a second cross-reference to the end of said section which shall read as follows: "Cross-reference - recordation fees section 10-3016."

Section 2. Subsection 10-3012(d) of the Raleigh City Code is hereby amended to add before the beginning of the first sentence the following words: "within one (1) year." Said subsection is further amended by adding a final sentence which shall read as follows: "Failure to submit engineering plats or drawings within the specified time period shall automatically void the approved preliminary plat."

Section 3. Section 10-3012 of the Raleigh City Code entitled Procedure for Plat Approval is reentitled to read "Procedure for Plat Approval and Recordation." Said section is further amended to add a new subsection, 10-3012(g), which shall read as follows:

"(g) Within three (3) years after approval of the preliminary plat, at least one-half of the gross land area shown on the preliminary plat shall be recorded in the Wake County Registry, and, the remaining half of the preliminary plat shall be recorded in the Wake County Registry two years thereafter, or within five years from the approval of the preliminary plat. Failure to record the land acreage plats required herein shall automatically void the unrecorded portions of the preliminary plat unless the City Council, following a recommendation of the Planning Commission and director of planning, finds that:

(1) a request for an extension has been made to the planning director prior to the expiration period and;

(2) unrecorded portions of the preliminary plat conforms to all ordinances, laws, and city policies, and provisions of the Comprehensive Plan in effect at the time of the requested extension; and

(3) the delay in recording could not have been prevented by due diligence."

Section 4. Section 10-3013(b)(6) of the Raleigh City Code is hereby amended to add a new item of information which shall read as follows: "(vi) Existing Wake County tax parcel numbers included in the subdivision."

Section 5. Section 10-3013(b) of the Raleigh City Code is amended to add a new Subsection 10-3013(b)(12), and it shall follow 10-3013(11) and read as follows:

"(12) A transparent or semi-transparent reproducible reduction of the preliminary plat to the scale of the city cadastral maps."

Section 6. Section 10-3015 of the Raleigh City Code relating to final plat requirements is amended to add immediately after the first sentence the following: "The final plat shall also contain al of the following:

(1) the square footage and acreage of each lot;
(2) the square footage and acreage of all rights-of-way;
(3) the square footage and acreage of common areas, open space, and other areas other than rights-of-way or easements dedicated to the public;
(4) the total square footage and acreage within the plat; and
(5) the name of the subdivision including, if any, section and phase numbers."

Section 7. Three new paragraphs are added to Section 10-3016 of the Raleigh City Code relating to recording of plats, said paragraphs are to follow the fourth sentence of Section 10-3016 and are to read as follows:

"All plats for recordation, including without limitation easement plats required by the city and recombinations, shall prior to their recording be presented to the City together with one blue line copy and one mylar medium type material copy thereof for the City. The City's mylar medium type material copy shall be presented to the Wake Registry at the time of recording all other plats, and it shall be marked with the same markings as the recorded plat. The Register of Deeds will retain the City's mylar medium type copy. Plats presented to and approved for recordation by the City must be recorded on or before the fourteenth day following the signature of the City Clerk. The expiration date shall be clearly indicated on the plat. Within this same time period, proof of recordation of legal documents required by this code, if any, shall be given to the City Attorney.

In addition to the foregoing, each plat submitted to the City for recordation shall be accompanied by a fee of thirty ($30) payable to the City. The fee defrays the City's expense in making or obtaining appropriate copies and reductions of recorded plats.

Any person who makes any change to a plat after its approval for recording by the City without the specific written consent of the Planning Director or his designee, or who recores a document beyond its expiration date shall be guilty of a misdemeanor."

Section 8. Subsection 10-3071(b)(8) e of the Raleigh City Code relating to expiration of cluster developments is hereby deleted and Subsection 10-3071(b)(8)f annexations to cluster unit developments is relettered 10-3071(b)(8)e.

Section 9. Following the last sentence in Raleigh City Code subsections 10-2022(3), 10-2033.1(b) (which is a part of Section 3 of Ordinance No. (1984) 337 TC 214 adopted 17 April 1984), 10-2035(b), 10-2038(b), 10-2042.1(b) (which is a part of Section 5 of Ordinance No. (1984) 337 TC 214 adopted 17 April 1984), 10-2043(3)(b), 10-2044(1)b.6 (which is a part of Section 6 of Ordinance No. (1984) 337 TC 214 adopted 17 April 1984), 10-2044.1(b) (which is a part of Section 7 of Ordinance No. (1984) 337 TC 214 adopted 17 April 1984), and 10-2045.1(5)c, two new sentences are added which shall read as follows:

"Within three (3) years after approval of the site plan, at least one-half of the gross floor area shown on the site plan shall be completed and the remaining half of the site plan shall be completed two years thereafter or within five years from the approval of plan. Failure to complete construction required herein shall automatically void the unconstructed portions of the approved site plan unless the City Council, following a recommendation of the Planning Commission and Director of Planning, finds that:

(1) a request for an extension has been made to the Planning Director prior to the expiration period and;

(2) unconstructed portions of the preliminary plat conforms to all ordinances, laws, city policies, and provisions of the comprehensive Plan in effect at the time of the requested extension; and

(3) the delay in construction could not have been prevented by due diligence."

Section 10. The first paragraph of Section 10-2043 is amended to delete therefrom reference to "(a)." The first paragraph of Section 10-2043(b) of the Raleigh City Code is hereby repealed in its entirety. The remaining Subsections (1) through (4) shall remain as presently adopted and written.

Section 11. All ordinance and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 12. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 13. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 14. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 15. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Section 16. This ordinance shall become effective September 30, 1984, and it shall apply to all pre-existing and future subdivisions and site plans. The time periods specified in this ordinance shall apply to pre-existing subdivisions and site plans as if they were approved on the effective date of this ordinance.

Adopted: 9/4/84

Effective: 9/30/84

REZONING Z-74-84 - GLENWOOD AVENUE - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 2.1 acres from Residential-4, Residential-6, and Residential-10 to Office and Institution-I.

CR-5217 from the Planning Commission recommended that Z-74-84 be approved as amended; that is, the request to rezone the property of the Masonic Lodge (Parcel 217, Map 463) be denied (remain Residential-20); that the portion currently zoned Residential-6 be denied (remain Residential-6); that the portion currently zoned Residential-4 be rezoned to Residential-6; and that a 10-foot Conservation/Buffer be rezoned along Glenwood Avenue, Edenburgh Road and the residential properties to the south.

Planning Director Chapman explained the request and the Planning Commission's recommendation. Planning Commission Chairman McNeely explained the Commission studied in Committee; could find no merit in the initial request and the Committee modified the request and when it came back to the Planning Commission, they modified the request further. Ms. Cates indicated there has been a lot of discussion on this item and she would move that it be referred to Public Works Committee. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-90-84 - FALLS OF NEUSE ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 14 acres from Residential-4 to Office and Institution-II (3.5 acres), Residential-10 (9 acres), and Conservation/Buffer (1.5 acres). (The Conservation/ Buffer district would border the Residential-10 portion of the request, adjacent to the lots on Madiera Court, Fiesta Way, Boros Place, Plateau Lane, and Player Court.)

CR-5219 from the Planning Commission recommended that Z-90-84 be approved as amended; that is, that the front 3.47 acres be rezoned to Office and Institution-III and the rear seven acres be rezoned to Residential-6, leaving Residential-4 on the existing pond area and 20 feet along the outside boundaries of the proposed Residential-6 area, being a total Residential-4 area of some 3.44 acres, all according to the preliminary master plan for "Quarterpath Trace," drawn by LaMarr Bunn and Associates, amended August 23, 1984.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely indicated this request was studied in a Planning Commission subcommittee. He explained the discussions in the Planning Commission. Mr. Congleton indicated there is a valid protest petition against this case. He indicated he had had residents call him on both sides of the issue, and he has questions, therefore, he would move that this item be referred to the Law and Finance Committee. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-82-84 - BASHFORD ROAD - DENIED

This was a request for approval to rezone approximately 17.8 acres from Residential-6 to Residential-10.

CR-5218 from the Planning Commission recommended that Z-82-84 be rezoned to Residential-10 as requested.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely indicated this item was studied in a committee of the Planning Commission and explained the Planning Commission's recommendation. Mr. Walters moved the recommendation of the Planning Commission be upheld. This motion did not receive a second.

Ms. Block moved that rezoning Z-82-84 be denied. Her motion was seconded by Mr. Congleton. Mayor Upchurch questioned if the staff had any information about a road being built through this property pointing out Council members had received a letter about a proposed road. Mr. McNeely indicated he had not seen any maps showing a road. Ms. Block spoke to the Planning Commission minutes indicating one of the Planning Commission members talked about the traffic being generated by the present and proposed zone, pointing out she did not feel the statements were correct. She indicated the vote of the Planning Commission was 4 in favor of the rezoning and 3 against it and explained there is a valid protest petition. She stated she does not feel that the road mentioned in the letter Council members received has been approved. Discussion took place with Mr. Walters pointing out he felt that we had to come up with something in our zoning code that would allow smaller lot sizes for single family dwellings other than R-4. After brief discussion, the motion to deny the rezoning case was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-97-84 - NEW BERN AVENUE - DENIED

This was a request for approval to rezone approximately 2.8 acres from Residential-4 (.2 acre) and Office and Institution-I (2.4 acres) to Office and Institution-II.

CR-5221 from the Planning Commission recommended that Z-92-84 be approved as requested.

Planning Director Chapman explained the application and Chairman McNeely of the Planning Commission explained the deliberations of the Planning Commission, pointing out the majority of the Commission felt that this case had merit as support facilities for the hospital. Mr. Walters indicated this is not support facilities for the hospital, it is a private industry. He explained there were three doctors who lived on this property for sometime and they wanted it rezoned for an office next to the hospital. He indicated Commercial was turned down two or three years ago and under Office and Institution II what could be developed would not be consistent with the area or a good plan. He stated he is not in favor of the rezoning, but pointed out the proponent had asked that the case be deferred since the full Council was not present. He stated he was not going to make that motion but wanted the Council aware of the request. Ms. Block moved that rezoning application Z-97-84 be denied. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPECIAL ITEMS

REZONING Z-88-84 - WAKE FOREST ROAD - TO BE PLACED ON SEPTEMBER 18, 1984, AGENDA

Council members received in their Agenda packet a copy of CR-5180 from the Planning Commission relating to this rezoning. During the August 7 Council meeting, it was agreed to place this item on this Agenda for consideration. Mr. Walters indicated he would like to hold this until the next meeting as a Special Item and so moved. His motion was seconded by Mr. Keller. In response to questioning, Mr. Walters indicated he had various reasons for requesting that it be held, pointing out the proponent and opponent had made that request as they had not been able to get together. He stated no one seems to be really opposed to the rezoning as the main problem surrounding this case is traffic. Ms. Block indicated she feels that we will solve the traffic problem but it will be a year or more away, however, Mr. Congleton pointed out he did not feel the traffic problem could be solved in that time. Therefore, he would make a substitute motion to deny this case. The substitute motion was seconded by Ms. Block. Mr. Walters indicated again both the proponents and opponents had requested that it be held, so he would have to vote against the substitute motion. Mr. Congleton indicated it had already been delayed a month and he is ready to vote on this case. After brief discussion, the substitute motion to deny the case was put to a vote which resulted in all members voting in the negative, except Mr. Congleton who voted in the affirmative. The Mayor ruled the motion defeated. The original motion to hold this item until the September 18 Agenda was put to a vote which resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

TELECOMMUNICATION'S REPORT - COVERED LATER IN THE MEETING

During the August 7, 1984, Council meeting, the City Council asked that the Telecommunications Commission give a report immediately following the Planning Commission's report. Mayor Upchurch indicated the Chairman of the Commission had asked that this be delayed until later in the meeting. Without objection, this was delayed and the Telecommunication's report was covered later in the meeting.

COMMITTEES, COMMISSIONS AND BOARDS

HISTORIC PROPERTIES COMMISSION - NOMINATIONS MADE

The City Clerk reported two vacancies as resignations had been received from G. Clarke Crampton and Warren Lail. Francis Whitley has been nominated. Mr. Walters nominated Mrs. Ken Nye. No further action was taken.

ARTS COMMISSION - G. PEYTON MAYNARD - REAPPOINTED

The City Clerk reported the term of G. Peyton Maynard expires September 21, 1984. He is has been nominated for reappointment. Nominations have not been closed. There being no further nominations, Ms. Cates moved that nominations to the Arts Commission be closed and Mr. Maynard appointed by acclamation. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DHIC - APPOINTMENTS MADE

The City Clerk reported the term of Sheila Nader expires September 7. The term of Lulu Robinson expires on that date. Nominations include Ms. Robinson, Ms. Nader and Berry Williams, Jr. Nominations have not been closed. Mr. Walters pointed out that he had nominated Ms. Nader but has learned that due to other commitments, she will not be able to serve if reappointed; therefore, he would withdraw her name. There being no further nominations, Mr. Walters moved that nominations be closed and Ms. Robinson and Berry Williams, Jr. appointed to the DHIC Board of Directors by acclamation. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

The Clerk Clerk reported the term of Becky R. French expires October 5, 1984. She is eligible for reappointment. No nominations have been made. Mr. Walters nominated Becky French. No further action was taken.

TRANSIT AUTHORITY - C. J. BARBER REAPPOINTED

The City Clerk reported the term of C. J. Barber expires September 7. He will have served 6 years and 2 months. Nominations include Gary Hill and Mr. Barber. Nominations have not been closed. Ms. Block indicated she would like to hold voting on this item as Mr. Barber is Mr. Calloway's nominee and Mr. Calloway is not at the meeting. Mr. Walters explained he had not had an opportunity to talk to Mr. Hill, however, he knew of Mr. Barber's work on the Transit Authority. Therefore, he would withdraw Mr. Hill's nominee and move that nominations to the Transit Authority be closed and Mr. Barber appointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

GREENWAY COMMISSION - APPOINTMENTS MADE

The City Clerk reported the term of Sheila Goodman expires September 16. She will have served 6 years and 1 month. The term of Settle Dockery, III expires September 21. Nominations include Kyle Highsmith, Bill Savage, Sheila Goodman and Settle Dockery. Nominations have not been closed. Mr. Congleton moved that nominations to the Greenway Commission be closed. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Goodman - 5 (Upchurch, Cates, Walters, Keller, Babb); Dockery - 4 (Upchurch, Congleton, Walters, Babb); Highsmith - 2 (Congleton, Block); Savage - 3 (Block, Cates, Keller). The Clerk announced the reappointment of Sheila Goodman to the Greenway Commission.

A second ballot vote resulted as follows: Dockery - 4 (Congleton, Upchurch, Babb, Walters); Savage - 3 (Keller, Block, Cates). Since no nominee received 5 votes, a third ballot vote occurred with results as follows: Savage - 1 (Block); Dockery - 6 (Cates, Walters, Upchurch, Keller, Babb, Congleton). The Clerk announced the reappointment of Settle Dockery to the Greenway Commission.

HOUSING APPEALS BOARD AND BOARD OF ADJUSTMENT - SUGGESTIONS FOR THE COUNTY

The City Clerk reported the County has requested suggestions for their appointee to the Housing Appeals Board as well as the Board of Adjustment. It was agreed during the last Council meeting that any Council member who had a suggestion that that suggestion would be made at the Council table and the Clerk would forward a letter to the County listing all suggestion for the County's consideration. There were no suggestions for the Housing Appeals Board. Ms. Block suggested Shirley R. Gilliam, 1129 Trailwood Drive, for the Board of Adjustment. Ms. Babb suggested Joan Barron, however, it was appointed out Ms. Barron does not live in the ETJ. Ms. Babb suggested Johanna Ridgeway, pointing out she had not checked with Ms. Ridgeway. It was agreed that Ms. Cates would check with Ms. Ridgeway and if she was agreeable, her name would be forwarded to the County for consideration as their appointee to the Board of Adjustment. If not, the only name to be submitted would be Ms. Gilliam's.

APPEARANCE COMMISSION - RALEIGH YOUTH COUNCIL TO MAKE SUGGESTION

The City Clerk indicated she had received a letter of resignation from Alyson G. Hyman as the Youth Council's representative on the Appearance Commission. Ms. Hyman is now attending Duke University. The City Clerk was asked to check with the Youth Council for their suggestions.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

REZONING Z-72-84 - BENSON DRIVE - APPROVED AS AMENDED

Mr. Keller reported the Law and Finance Committee recommends that the property covered by this application be rezoned .to Residential-4, Conservation/Buffer, and Office and Institution-III according to a map entitled, "LU-3," dated August 28, 1984. This recommendation is with the understanding that the Committee further recommends that the City Council make a planning statement, that it is the intent of the City Council that the property located north of the proposed extension of St. Albans/New Hope Church will be developed residential, and that this proposed road extension alignment would be in a location below the juncture of the streams in the area. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Mr. Congleton indicated he would suggest that the motion be amended to indicate that the zoning boundaries for the Residential-4 zoning would go to the southern extremity of the proposed road extension and that the Council's planning statement for the area be amended as follows: "That it is the intent of the City Council that the property located north of the proposed extension of St. Albans/New Hope Church will be developed low density residential, and that this proposed road extension alignment would be in a location below the juncture of the streams in the area." Mr. Congleton indicated he would also like to amend the motion to indicate that when the update for the North Hills Planning District comes up, that the City would review this area in the same manner as Creedmoor Road was amended. After brief discussion, Mr. Congleton withdrew that section of his suggestion relating to the special review, and Mr. Keller and Ms. Babb accepted his revisions relative to the Residential-4 zoning going to the southern extremities of the proposed road and adding of the words "low density" and the motion as amended was put to a vote and unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 408 ZC 145

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code,1 which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Benson Drive, west side, between Dresser Court and Navaho Drive, being land on the north and south sides of the proposed extension of New Hope Church road, and bieng portions of Parcels 35 and 1231, Tax Map 436, rezoned to Residential-4, Conservation/Buffer, and Office and Institution-III according to a map entitled, "LU-3," dated August 28, 194, on file in the City of Raleigh Planning Department, with the understanding that the Residential-4 will extend to the southern extremity of the proposed road. (Z-72-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective September 4, 1984.

Adopted: 9/4/84

Effective: 9/4/84

LIMITED HOME BUSINESS - CLARIFICATION IN ENFORCEMENT - REMOVED FROM THE AGENDA

Mr. Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken to change the current enforcement of limited home businesses. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-108-84 - BRITTANY WOODS III - APPROVED WITH CONDITIONS

Mr. Keller reported the Law and Finance Committee recommends approval of the Planning Commission's recommendation (CR-5141) that this request be approved according to a map entitled, "Brittany Woods III," the property of Edd K. Roberts and Rol Sass, drawn by Barrett Kays and Associates, dated July 2, 1984, with the condition that the City Attorney approves the paperwork relating to the homeowners' association for Brittany Woods consent to the annexation of Brittany Woods III prior to recordation of any lots in Brittany Woods III.

On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Congleton. Ms. Babb indicated she would like to be excused from participation in this matter, as her husband is involved. Without objection, Ms. Babb was excused. Ms. Block questioned if the homeowners have taken the vote with Mr. Keller indicating an agreement has been reached. The motion as stated was put to a vote and passed with all members voting in the affirmative, except Ms. Babb who was excused. The Mayor ruled the motion adopted.

REZONING Z-61-84 - CREEDMOOR ROAD - REFERRED BACK TO LAW AND FINANCE COMMITTEE

Mr. Keller indicated the Law and Finance Committee did vote on this item and a recommendation was listed on the Agenda. He stated, however, none of the Committee members are really satisfied with the action taken, and with the agreement of the other members of the Committee, he would request that this item be referred back to Law and Finance Committee. Mr. Walters pointed out there has been some confusion on this case and the County has admitted there was a mistake relative to the evaluation of the land, that it was evaluated too high. Ms. Block indicated she would be willing to let it go back to Committee, but she has been ready to vote on this case for quite some time. She indicated, in her opinion, any extension of the existing non-residential zoning would be strip zoning. The request to refer the item back to Committee was honored.

REZONING Z-101-84 - NORTH PERSON STREET - TO BE PLACED ON SEPTEMBER 18 AGENDA AS SPECIAL ITEM

Mr. Keller indicated the Law and Finance Committee recommends that the Planning Commission's recommendation of adding approximately 19,300 square feet to the Historic District Overlay Zoning District be approved. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Walters indicated he agreed entirely with the recommendation, however, the applicant wants this item held. He indicated the applicant wants it approved, however, there are some problems with the moving of the houses to this location. After brief discussion, Mr. Keller made a substitute motion that this item be placed on the next Agenda as a Special Item as a courtesy to the applicant. His substitute motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

THE CITY COUNCIL TOOK A BREAK BETWEEN 2:45 AND 3:00 P.M.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

HOUSING CODE VIOLATION - 523 EAST EDENTON STREET - CD GRANT AUTHORIZED CONDITIONALLY

Ms. Block reported the Public Works Committee recommends a $9,000 grant be made to Mrs. Sallie Adams for Code improvements to bring her house to minimum standards. This grant is to be administered as a deferred loan payable to the City (at no interest) upon the transfer of ownership of the property away from Mrs. Adams. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STORMWATER MANAGEMENT STUDY - REQUEST FOR PROPOSALS - AUTHORIZED

Included in Council Members' Agenda packets was a copy of the proposed Request for Proposals for Storm Water Management Study - Marsh Creek and Perry Creek Watersheds. The Committee recommends approval of this RFP with a thirty-day submittal period and with advertisements in Raleigh and Charlotte newspapers. Ms. Block indicated that this advertisement is in addition to sending the request to the 40 or 50 firms that Administration has listed as being interested in this type work. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Brief discussion took place with Ms. Cates being assured that the consultant will evaluate our storm maintenance policy. Therefore, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

EROSION CONTROL - LONGVIEW LAKE AREA - REMOVED FROM THE AGENDA; PUBLIC WORKS COMMITTEE TO BE PROVIDED INFORMATION RELATIVE TO STORMWATER MANAGEMENT PROGRAM, SEDIMENT AND EROSION CONTROL ORDINANCES AND EXISTING STAFF

Ms. Block indicated the Public Works Committee recommends that this item be reported out of Committee as erosion control measures on site are in compliance with the Code.

Administration was directed to do the following:

(1) At the next Public Works Committee Meeting, provide the Committee with a timetable for revision to the City's Storm Water Management Program.

(2) Review enforcement procedures for sedimentation and erosion control ordinances and make any additional recommendations for expediting this process.

(3) Review the adequacy of existing staffing of Conservation Engineers and Conservation Inspectors.

On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Ms. Block indicated it is felt that the paving of the parking lot will help the problem in the Longview Lake area, and it is the Committee's understanding that this will be done in the very near future. She indicated as far as Item 3 of the recommendation is concerned, that she and the City Manager had talked about silt fences lately, and she feels maybe they are adequate if they are maintained, and the Committee just wants to make sure we have enough staff to make sure that silt fencing is adequately maintained when installed in the City. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ASSESSMENT - POSSIBLE CHANGE IN POLICY - REMOVED WITH NO ACTION TAKEN

Ms. Block reported the Public Works Committee recommends removal of this item from the Agenda with no action taken. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Ms. Block indicated the case that brought this to the Committee's attention has been resolved as the lot has been sub-divided and re-evaluated. She indicated that the Committee felt that these type things should be dealt with on a case-by-case basis. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

NEW MUNICIPAL BUILDING - DEDICATION CEREMONIES - VARIOUS ACTIONS TAKEN; ADMINISTRATION TO WORK OUT CONTINGENCY PLAN IN CASE OF RAIN; UPDATE ON PARKING DECK - RECEIVED

Ms. Block indicated the Committee recommends that the Council approve the dedication ceremony as presented for the dedication of the New Municipal Building (Raleigh Municipal Building).

a. (1) Close the 200 block of Hargett Street from 6 a.m. - 6 p.m.

   (2) Close Dawson Street between Morgan and Martin Streets from 2 p.m. - 5 p.m.

   (3) Each Councillor submit a list of people to be invited by September 6, 1984.

b. It is recommended that the City give to citizens attending the ceremonies a City metal tag as a momento of the dedication.

c. It is recommended that the following budgetary items be approved for the dedication of the New Municipal Building:

(1)	The Community Band (They will play for the ceremony outside)	$ 200.00
(2)	Capital String Ensemble (They will play chamber music on the second floor during touring and viewing of the arts exhibit)	175.00
(3)	Host and Hostess badges (Badges for volunteer employees acting as tour guides for the building)	125.00
(4)	Flowers	200.00
(5)	Public Address System (For outside)	300.00
	TOTAL	$1,000.00

NOTE: These funds will only be used if necessary.
Source of funds: Council Contingency

On behalf of the Committee, Ms. Block moved the recommendations be upheld after explaining each one individually. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF 4.

Mayor Upchurch indicated that the Daniels' Art Display will be available during the dedication. He indicated representatives of the Daniels have been working with the Art Coordinator and this exhibit will remain on display for a couple of months. Ms. Block briefly explained the activities planned.

Mayor Upchurch questioned if we have a contingency plan in case of rain and Administration was asked to work on that.

Mr. Benton indicated as far as the parking deck is concerned, that is moving along toward completion. He stated it will not be totally completed by the time of the dedication, mainly because of weather related problems and shortage of labor. He indicated we do expect to have the ground level and the first floor level off of

McDowell Street, as well as the southwest stairwell and pedestrian walkway, driveway and sidewalks, available for the dedication. He indicated the landscaped area will be leveled and mulched but not landscaped in time for the dedication. He indicated Administration would be bringing a change order to the Council relating to deleting the sidewalks from the parking deck construction and awarding it individually in order to facilitate their completion. He stated about 300 parking spaces will be available on the day of the dedication and the final completion of the parking deck should be October 31.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

FRED FLETCHER PARK MASTER PLAN - RECEIVED AS INFORMATION - REFERRED TO ADMINISTRATION

Jeanette Bennett, Vice Chairman of the Parks and Recreation Advisory Committee was at the meeting explaining work that has been done on the Fred Fletcher Park Master Plan. She indicated the Master Plan Committee had met nine times and the Parks and Recreation Advisory Board had reviewed the plan in three separate meetings. She indicated the plan that is to be presented by the architect was unanimously recommended by the Parks Board.

Stan Williams, Landscape Architect and Land Planner, was at the meeting and presented Council members recommendations on the Fred Fletcher Park Master Plan dated September 4, 1984. Mr. Williams briefly went through the recommended plan, which includes the following eight major elements:

1. Enhancing the visual, architectural, and environmental character of the park by preserving the existing natural areas and retaining the buildings which can serve useful purposes.

2. Renovating the Garris Building for meetings, the Cole Building for visual arts programs, and the Smith and Massey Buildings for small scale recreational activities.

3. Removing the Page Building.

4. Stabilizing the Borden Building to prevent further deterioration and program with an appropriate use.

5. Providing space for outdoor festivals, informal performing arts, visual arts and sculpture displays, picnicking and softball, tennis and basketball facilities.

6. Eliminating the proposed swimming pool from this park due to access, space and parking constraints while supporting pool construction in other potential locations.

7. Providing parking in individual lots relating to the buildings and use areas to be served, and buffering the parking with berms and vegetation.

8. Encouraging pedestrian and bicycle access to the park by providing sidewalk and pathway connections to the neighborhood.

Mr. Williams indicated Item 6 was recommended by the Parks and Recreation Advisory Board Master Plan Committee as well as the Glenwood/Brooklyn Task Force. In response to questioning, he indicated the sidewalks would be external to the park. Ms. Cates indicated she had heard the presentations and discussions but has not participated in them. She stated she is concerned in that there was no community survey made to determine what uses should be made of the park. She stated she was not sure there is any criteria for the Master Planning Committee to utilize, however, she feels she will have to find some consensus of the wider community before she can vote on a plan. Mayor Upchurch had questions relative to the parking spaces for picnickers with Mr. Williams indicating there are 73 spaces near the Smith and Massey Buildings where 25 picnic tables are located. Ms. Cates questioned if any evaluation has been made of the structures and if there is any cost estimate as it relates to renovation, etc. Mr. Williams explained there were examinations of the building as far as structural soundness is concerned. He stated he did have figures for potential renovation costs. After brief discussion, Mr. Walters moved that the presentation be received as information and referred to the City Manager for review and recommendation. His motion was seconded by Ms. Babb.

Mr. Congleton asked the City Manager in his review of the plan to recall the Youth Council's recommendation or suggestion about the possibility of using one of the building for senior citizen programs. Ms. Block pointed out that the cost for stabilizing the Borden Building could be very high. She stated she is not against history, but she is not sure we can justify the kind of cost stabilization may involve. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

BID REQUEST 84-15 - REPOWER FIRE PUMPER - BID AWARDED TO CUMMINS ATLANTIC, INCORPORATED

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 4, 1984, for the repowering of a 1961 American LaFrance Pumper. It was pointed out this was a second request and only one

bid was received and that was from Cummins Atlantic, Inc., in the amount of $12,740. Mr. Walters moved the bid submitted by Cummins Atlantic be awarded. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SMOKE DETECTOR PROJECT - APPROVED - PARTICIPANTS RECOGNIZED

The City Council referred to Administration a suggestion made by the Student City Council for a project of providing smoke detectors for low income citizens.

Administration has reviewed this concept and a proposed project has been developed for Council consideration. Included in Council Members' Agenda packet was a report on this item.
Recommendation: That the City Council approve the project for installing smoke detectors in the homes of low income senior citizens by the Raleigh Fire Department. Funds for the detectors are being provided by the Independent Insurance Agents of Raleigh and it is recommended that the City Council adopt a resolution of appreciation to this group for their support.

City Manager Benton recognized Dr. Ann McGee, Director of Wake County Council on Aging, Cindy Batten, also with the Council on Aging, as well as John Bowden, President of the Independent Insurance Agents. Fire Chief Tom Kuster explained the smoke detector project indicating the Independent Insurance Agents is purchasing $10,000 worth of smoke detectors. He explained the Fire Department will install them at places recommended by Dr. McGee's group. He pointed out that the Independent Insurance Agency is the same group that furnished the Fire Department with the oxygen tanks recently. He indicated they hope to get this program off the ground at the beginning of Fire Prevention Week. Ms. Block indicated she is delighted to hear about this and moved approval of the City Manager's recommendation. Her motion was seconded by Mr. Congleton. Various Council members expressed appreciation to those involved in this project with Chief Kuster expressing appreciation to Assistant City Manager Carolyn Carter and Ervin Keaton of the Manager's office for the work they did. Ms. Cates indicated the Youth Council made this recommendation with Mr. Keller pointing out Susan Wilson, the daughter of the City Council's secretary, is the one who made this suggestion during Youth Council activities. Mr. Kuster indicated, hopefully, Mr. Bowden, Ms. McGee and Ms. Batten, as well as Susan Wilson, will be able to participate in the kick-off of this project during Fire Prevention Week. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

NEW BERN PLACE PROJECT - PRELIMINARY PLANS APPROVED, SCOPE OF DESIGN SERVICES CONTRACT - INCREASED; RESOLUTION OF INTENT TO CLOSE PORTION OF NEW BERN AVENUE

Preliminary plans and costs for public improvements have been completed. A presentation will be made at the Council Meeting. Council will be asked to approve:

(1) The preliminary plans;

(2) Closing of a section of New Bern Avenue and dedication of that section as a park; and

(3) Expand the scope of design services for the architect to include design work on New Bern Avenue between the condominiums project and Blount Street.

Recommendation: It is recommended that the City Council approve the preliminary plans, authorize commencement of proceedings to close a section of New Bern Avenue, and authorize an amendment to the design contract subject to a reasonable fee adjustment being negotiated and approved by Administration.

A representative of Dockery, Hunter and Jewell was at the meeting and explained the preliminary plans which included the treescape, turn around vehicular access of focal point to tie in with the access of the Capitol, wall seating, materials to be used, fencing, etc. He indicated this is projected to cost around $155,000 including $140,000 construction with $15,000 contingency account. In response to questioning, he indicated the wall on which the Hugh Morrison gargoyles are located will not be removed but will fit into the park area. Discussion took place relative to the utility lines and whether the contact has been made with Southern Bell and CP&L relative to undergrounding the lines. After brief discussion on the concept as presented, Mr. Walters moved the Manager's recommendations be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 602

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF THE 200 BLOCK OF NEW BERN AVENUE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North CArolina, pursuant to NOrth Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

A portion of the 200 Block of New Bern Avenue between South Blount and South Person Streets beginning approximately 140 feet east of South Blount Street and extending eastward approximately 105 feet

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, November 6, 1984, in the Council Chamber, room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lost abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 9/4/84

CEDAR HILLS PARK - MASTER PLAN REVISION - APPROVED AS WELL AS WORK PROGRAM FOR CURRENT FUNDING; FUNDING FOR FRISBEE GOLF COURSE - REFERRED TO LAW AND FINANCE COMMITTEE

As a result of previous Council decisions on the road alignment through this site, pool site selections, and elimination of need for school site, the master plan for this site has been revised. The revision process has followed the Master Planning Committee, Parks and Recreation Advisory Board, and administrative review.

Included in Council Members' Agenda packet was a revised master plan. New elements include a Frisbee Golf Course, second ball field and related parking areas, picnic shelters, and play area. Also included was a list of improvements proposed to be undertaken with the current budget funding. The Parks and Recreation Advisory Board recommends these revisions.

Recommendation: It is recommended that the revised master plan be approved as well as the work program for the current budget funding.

Ms. Block questioned the road alignment with John Hoppe explaining the existing master plan and the proposed revision as it relates to the road alignment. Mr. Congleton indicated he hadn't been able to meet with some of the people on the Master Plan Committee pointing out he felt, however, the revised plan is satisfactory. He stated, however, he noticed that the cost of improvements - $200,000 - includes lighting 4 tennis courts at $70,000; improving a multi-purpose field - fencing $20,000 and lighting $65,000; lighting the parking lot - $10,000, and water fountain and restroom building - $35,000. Therefore, there is nothing for the Frisbee Golf Course. He indicated it would cost roughly $10,000 to build the Frisbee Golf Course and he would like to refer funding of the Frisbee Golf Course to the Law and Finance Committee, pointing out he is possibly going to ask the Council to fund that this year. He indicated he is also concerned about the process of the Master Plan Committee and maybe the Law and Finance Committee should look at that also. Mr. Congleton moved approval of the revised master plan as presented and as dated September 4, 1984. His motion was seconded by Ms. Babb. Discussion took place on the master plan with Ms. Block pointing out she could not determine where the Frisbee Golf Course is proposed with Mr. Hoppe indicating it would utilize trails in the park. Ms. Block indicated, in her opinion, funding for parks should be discussed at budget time. Mr. Benton questioned if Mr. Congleton's motion included the funding plan as presented with Mr. Congleton indicating that is correct. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Mr. Congleton moved that an item be referred to Law and Finance Committee relating to the potential placement and funding of the Frisbee Golf Course at Cedar Hills. His motion was seconded by Ms. Babb and passed with all members voting in the affirmative, except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. Mr. Congleton then moved that the Council refer to the Law and Finance Committee the review process of the Master Plan Committee to include the appointment review procedure, etc. Ms. Block indicated sometime ago the Council developed a plan for the Master Plan Park Committees. She stated it may not be being followed, however, there is a plan. Ms. Babb pointed out the Law and Finance Committee already has an item to do a general review of the Parks and Greenway Plan and maybe the Master Plan process could be included in that overall review. Therefore, Mr. Congleton indicated he would withdraw his motion, as he understands it, it is the intent of the Law and Finance Committee to study the Master Plan Committee review process as a part of the bigger item which is already in Committee.

FISCAL IMPACT EVALUATION SYSTEM - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH TISCHLER AND ASSOCIATES

The 1984-85 Budget includes $75,000 for consultant services to assist the development of a fiscal impact evaluation system. Proposals have been solicited. One proposal was submitted by Tischler and Associates of Washington, D. C. This proposal has been reviewed.

Recommendation: It is recommended that Council tentatively approve retention of Tischler and Associates subject to a contract being negotiated and submitted back to the Council for approval.

Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BOARD OF ADJUSTMENT - REQUEST FOR REVIEW OF DRIVE-THROUGH/DRIVE-IN - REFERRED TO LAW AND FINANCE COMMITTEE

Included in the Council Members' Agenda packet was an excerpt from Case A-147-84 heard by the Board of Adjustment at its August 13, 1984, meeting.

The Board requests that the City Council review Code Section 10-2061(3), Subsections "i" and "n", to clarify the parking required for restaurants with "drive-through" windows like we have today as opposed to the "drive-in" restaurants of the fifties.

Recommendation: It is suggested that Council refer this item to a Council committee for study. Mayor Upchurch stated that, without objection, he would refer the matter to Law and Finance Committee.

TC-268 - SUNSET CLAUSE - FUNDS APPROPRIATED FOR CITY TO CONTRACT WITH PRIVATE FIRM

The Planning Commission is recommending approval of this text change which, among other items, shifts responsibility to the City for retrieving recorded maps from the County Courthouse, making blueprint copies, and returning these copies to the City. Currently, this task is supposed to be handled by surveyors or whoever is recording the map. Often copies are not returned to the City, which creates delays and confusion in permit issuance. The only way to assure copies are returned is for the City to take some responsibility in the process.

Recommendation: The City staff currently does not have personnel or funds available to perform this duty. It is recommended that the City contract with a private firm to retrieve the maps, make copies, and return the copies to the City on a daily basis. A preliminary estimate of the costs is $6,500 per year which should be appropriated from Council Contingency to Account #01-2-1220-0265 - Other Services. The proposed ordinance calls for a $30 fee per map to be collected by the City to cover the costs of making copies. This revenue, if the ordinance is adopted, will accrue to the General Fund and should more than cover the estimated costs during the course of the fiscal year.

Mr. Walters indicated he has thought about this recommendation and $6,500 is a lot of money. He indicated that would go a long way toward another employee in the Clerk's office who could handle this responsibility as well as other responsibilities in that office. Planning Director Chapman indicated the reason he suggested employing a private firm is that, at this point, we are uncertain as it relates to the amount of activity. He indicated we may find that it would be a sufficient level of activity to justify another person, but at this point, he did not know. Mr. Walters indicated, since this is a one year contract, he would move Administration's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4.

NATIONAL LEAGUE OF CITIES - ANNUAL CONGRESS - DELEGATES NAMED

Council members received in the Agenda packets material concerning the November Annual Conference of Cities' Meeting. He indicated, as noted in the material, it is necessary to designate a voting delegate, as well as an alternate delegate, prior to October 5, 1984. Brief discussion took place on who will be attending the meeting, after which, Mr. Congleton moved that Mayor Upchurch be designated as the City's delegate with Mayor Pro Tem Walters the alternate delegate. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BIDS - GREEN ROAD COMMUNITY CENTER - BIDS AWARDED TO LDA, TRIANGLE MECHANICAL, MECHANICAL ASSOCIATES AND WATSON ELECTRIC - FUNDS APPROPRIATED

Bids were received on August 23, 1984. The low base bids are:

General	LDA	$555,555
Plumbing	Triangle Mechanical	38,715
HVAC	Mechanical Associates	66,072
Electrical	Watson Electric	44,483
	Total	$704,825

A copy of the bid tabulation was in the Council Members' Agenda packet and will become a part of the permanent minutes. To keep the project within the budget appropriation and allow for additional design costs which have been incurred, it is necessary to award the above noted base bids with the deletion of Alternate #1 and the addition of Alternate #4 which would result in a net increase of $500 to the General Contract.

Recommendation: It is recommended that the low base bids be approved including Alternates #1 and #4 of the General Contract and the appropriate budgetary accounts established for budgeting of contract. Mr. Walters indicated this is a case where the staff, Master Plan Committee and everyone has done a super job. Therefore, he would move approval of the recommendations as outlined. His motion was seconded by Mr. Keller. Brief discussion took place on Alternates 1 and 4, after which, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4.

CAMP DURANT - DAM EVALUATION AND REPAIRS - FUNDS APPROPRIATED

A detailed study on both dams at Camp Durant has been completed and it is necessary to make repairs to these structures. The estimated cost is $45,000.

Recommendation: The Agenda outlined a recommended transfer in the amount of $45,000 from Council Reserve - Parks and Camp Durant be approved to establish the accounts for future contractual work to repair the dams at Camp Durant. Ms. Cates moved that Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4.

SOCCER PROGRAM - AGREEMENT WITH CAPITAL AREA SOCCER LEAGUE - APPROVED

During the August 7, 1984, Council meeting, Administration was requested to review the question of fees for use of fields by soccer leagues. Assistant City Manager Carter indicated she had sent Council members a copy of a proposed agreement that would establish a formal agreement between the City of Raleigh and the Capital Area Soccer League. She indicated the City has tentative agreement with CASL in accepting this proposal. She went through the highlights of the agreement as follows:

1. The City would make available to C.A.S.L. nine fields at seven locations for the spring and fall sessions (Method Park - 1 field, Powell Drive - 1 field, Eastgate Park - 1 field, Williams Park - 2 fields, Kiwanis Park - 2 fields, Cedar Hills Park - 1 field, Green Road Park - 1 field). The City would guarantee the reservation of this number of fields for the two soccer seasons. Since the condition of the fields, program needs, or other circumstances might necessitate changes in the assignment of fields, the responsibility for the assignment of fields on a season-to-season basis would be up to the Parks and Recreation Department. If the fields to be used by C.A.S.L. are to be changed by the Parks and Recreation Department, the Department will be responsible for moving the soccer goals and sets to new locations.

2. The use of the fields is limited to Monday-Saturday excluding Kiwanis Park which is used for games and could thus be used under the terms of this agreement seven days per week. The Parks and Recreation Department may because of special circumstances allow occasional use of other fields for games.

3. C.A.S.L. must request the use of fields in writing to the Parks and Recreation Department by July 15 for the fall season and by January 15 for the spring season.

4. C.A.S.L. must use the fields in a reasonable manner that will have the least damaging effect on the fields. The fields are not to be used during wet weather or when the field is generally wet and soft. The Parks and Recreation Department reserves the right to cancel a field reservation when conditions make a field unuseable. The C.A.S.L. must not allow metal cleats to be used on the fields.

5. The Parks and Recreation Department will provide eleven sets of soccer goals and nets to be used in this program. C.A.S.L. will maintain these goals and nets, replace them when necessary and purchase any new goals and nets needed for the soccer program.

6. C.A.S.L. will provide materials for the maintenance of these soccer fields. These materials shall be provided in an amount equivalent to one annual reseeding and fertilizing of these fields. The Parks and Recreation Department agrees that these fields will receive the standard level of field maintenance, to include reseedings twice a year, fertilizing four times a year, regular mowing and aeration. The Parks and Recreation Director and the President of the C.A.S.L. will develop the terms and conditions of this plan. The seed and fertilizer to be supplied will not be more than 1 ton of fertilizer per field and 200 pounds of grass seed per field per year.

7. C.A.S.L. is responsible for lining the fields for practice and games.

8. C.A.S.L. agrees to pay the City $2.00 per season per non-resident player using City fields for either practice or games.

9. C.A.S.L. agrees to develop a scholarship program that will provide for the extension of this soccer program to at least 25 low income residents of Raleigh. This program is to be developed and submitted to the Parks and Recreation Director for review, approval, and assistance in implementation.

10. C.A.S.L. agrees to provide annual budget and financial and participant level statements to the Parks and Recreation Department.

11. The City recognizes that C.A.S.L. operates a program that has a substantial amount of participation by City residents and agrees to work with C.A.S.L. in providing administrative and technical assistance concerning the operation of the league and development and maintenance of fields and programs.

12. Hold harmless provision for the City relating to operation of the soccer program.

13. The terms of this agreement would be December 1, 1984, through November 30, 1985.

Ms. Block commended Ms. Carter and the staff for their work with City Manager Benton indicating, in essence, we would be making playgrounds available to CASL through this, and he is sure that there will be some expression of interest from other groups. Ms. Cates questioned how the $2.00 per person fee was arrived at with Ms. Carter pointing out we do have fees for persons outside the City limits that participate in City sponsored programs, and that fee is higher than the proposed $2.00, however, that fee involves instructors, etc., and in this case, there is no City personnel involved. Mr. Congleton moved approval of the agreement as submitted. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY CO-SPONSORSHIP OF CITY PROGRAMS - PROCESS AND PROGRAM APPROVED AS AMENDED

During the August 7, 1984, Council meeting, Administration was requested to review the concept of City co-sponsorship of various City programs. Council members received in their Agenda packet a report addressing this question as follows:

The City Council referred to the Administration for review and recommendation a proposed resolution on the co-sponsorship of City recreational programs. The proposed resolution seeks to expand the type and number of recreational opportunities available to the citizens of Raleigh by promoting the joint sponsorship of recreational programs.

The concept of co-sponsorship of recreational programs is one that has been used extensively by the Parks and Recreation Department for years. Some examples of the type of joint ventures in which the department has been involved are: 4th of July celebration, Run for the Oaks event, Jaycee Center, Shelley-Sertoma Center, Lions Park, Kiwanis Park, Optimist Center, Masters Track Meet, Special Olympics, youth sports programs, Senior Citizens Christmas Banquet, and Senior Games.

The Parks and Recreation Department has a long standing policy (approved by the City Council in 1977) that addresses the co-sponsorship of groups that use community center meeting facilities. This is a program that operates smoothly and serves the community's needs well.

It is apparent that co-sponsorship of programs has been an important tool in the development of programs and facilities. It is a desirable method of providing recreational opportunities that would perhaps not otherwise be financially feasible for the City to provide and provide opportunities for groups that they might not have otherwise. However, there should be an evaluation made in the case of requests for co-sponsorship to be sure that the objectives and operation of the proposed programs are appropriate and reasonable for City participation.

My assessment is that proposals for the co-sponsorship of recreational programs should be reviewed on an individual basis after being submitted to the Parks and Recreation Department. A common set of criteria can be identified that should be applied to these proposals to determine if the request is one that should be recommended for approval. Some of these criteria would be as follows:

1. Is the proposed program consistent with Parks and Recreation Department programs and mission?

2. Does the proposed program create a new funding need within the department? What would the costs to the City be to co-sponsor this activity?

3. Are the benefits of this program to be available to all citizens of Raleigh?

4. Will the Parks and Recreation Department have right of review of the activities of this program?

5. Does the co-sponsorship of this program expose the City to unacceptable liability and safety risks?

After a thorough assessment of the proposed program by the Parks and Recreation Department, a recommendation would be presented to the City Manager.

In summary, co-sponsorship of recreational programs has been an extremely valuable tool in enabling the City to have the recreational facilities and programs that it has. The continued use and promotion of the concept of co-sponsorship of recreational programs should serve the needs and interest of the citizens of Raleigh well as long as these arrangements are entered into only after judicious appraisal of the costs and benefits of the proposal.

Recommendation: It is recommended that the City Council approve the process and program included in the attached report. Ms. Block indicated she had just read the proposal and it seems that this concept has some very good criteria. Therefore, she would move approval. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Later in the meeting, Mrs. Cates moved that this process be amended to the end that requests for co-sponsorships be submitted to the City Manager for his review and referral to the department for a recommendation back to the City Council through the City Manager. Without discussion or objection, the process was so amended.

WORTHDALE PARK IMPROVEMENTS - APPROVED - FUNDS APPROPRIATED

Included in the current budget is funding for a pedestrian bridge at Worthdale Park. The bridge has been constructed by using City personnel, rather than contracting for the work. Thus, the Capital funds have not been expended. In addition, it is desirable to make improvements to enhance the general security of the area and discourage undesirable nighttime activities. Accordingly, it is proposed that $18,000 be funded from the bridge account to finance installation of lights in parking lots, a gate at the entrance, and additional planting material.

Recommendation: That a fund transfer in the amount of $18,000 from Worthdale Park Bridge to Worthdate Park Improvement be approved to authorize construction of safety-related improvements at Worthdale Park.

Brief discussion took place relative to lighting with Ms. Block questioning if there is such a thing as an unbreakable light. After brief discussion, Ms. Block moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted., See Ordinance 405 TF4.

BUSINESS AND TECHNOLOGY TRAINING PROGRAM - APPROVED CONDITIONALLY

The University of North Carolina has been funded to establish a small Business and Technology Development Center. It is expected that Raleigh will be the administrative focus of this state-wide effort. The first phase of this program requires approximately 7,000 square feet of space for administrative and training purposes for approximately one year.

Administration has worked with representatives of the University to identify a temporary office site. The basic request is to allow usage of one building, the Garris Building, at Fletcher Park for not more than one year to provide this administrative and training space. A copy of a proposed agreement was in the Council Members' Agenda packet.

Assistant City Manager Wray indicated he had been working with Dr. E. Walton Jones of the University, pointing out the office would be set up to try to get things organized for a larger City program. He indicated there has been discussion relative to utilizing one of the buildings at Fletcher Park for 8 to 10 staff persons in the beginning. He briefly explained this office would be for an incubator for new and expanding business. He indicated he thought everything had been worked out, however, there are some changes that need to be made in the contract at the request of the University. Therefore, his recommendation would be that the City Council approve the concept, pointing out the zoning is o.k., parking is adequate, ingress would be from Clay Street, etc. He indicated they will be spending about $13,000 to $15,000 to do repairs to bring the building up to code requirements. He stated Administration's recommendation is to approve this in concept and if the subsequent agreement is approved by the City Manager and the City Attorney, that Administration be allowed to enter into the agreement not to exceed twelve months. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb. Brief discussion took place relative to which building they will be using and how much traffic would be generated. After which, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

CAPITAL IMPROVEMENT PROGRAM - ROADS - ADMINISTRATION AUTHORIZED TO PROCEED

As part of the Capital Improvements Program, the Council has authorized design and/or construction work for Atlantic Avenue, a section of Spring Forest Road at Atlantic Avenue, Gorman Street Extension, and New Hope Church Road.

Two additional projects are proposed for Council consideration and authorization for Administration to initiate a work project on each one: Cross Link Road from approximately 1,000 feet east of Garner Road to Rock Quarry Road including the recently approved realignment section of Cross Link Road; Spring Forest Road Extension from Falls of Neuse Road to Lynn Road. These two projects would address existing transportation needs which can be funded from the 1984-85 Budget for the Roads Program.

City Manager Benton indicated that these would be assessment type projects and resolutions of intent would be brought back to the Council for further action. Mr. Congleton moved that Administration be authorized to proceed with the projects as outlined. His motion was seconded by Ms. Babb. Mayor Upchurch questioned if we have the dedicated right-of-way as it relates to Spring Forest Road, with City Manager Benton indicating a good deal of the right-of-way has been secured through subdivision. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

BID REQUEST 84-19 - AUTOMOBILES AND TRUCKS - BID AWARDED TO BOBBY MURRAY CHEVROLET FOR SIX VEHICLES

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 27, 1984, for automobiles and trucks with results as follows:

Item 1 - 4-Door Subcompact Sedan
Only one bid received
RECOMMEND: To be rejected

Item 2 - 4-Door Compact Sedan
Only one bid received
RECOMMEND: To be rejected

Item 3 - Truck - Pickup ½-Ton Compact
Bobby Murray Chevrolet 3 @ $7,996.00
Bobby Murray Chevrolet 1 @ $7,954.72
Bobby Murray Chevrolet 1 @ $8,027.82
Bobby Murray Chevrolet 1 @ $8,204.09
Sir Walter Chevrolet 5 @ $8,895.00
RECOMMEND: Bobby Murray Chevrolet Company

Item 4 - Truck - 4 Wheel Pickup
Only one bid received
RECOMMEND: To be rejected

Administration had recommended that Bid Items 1, 2, and 4 be rejected due to high cost and that Bid Item 3 be awarded to Bobby Murray Chevrolet for three vehicles. However, due to the time of the year and the need for the vehicles, Administration recommends that Bid Item 3 be awarded to Bobby Murray Chevrolet for six vehicles, and Items 1, 2 and 4 rejected. Mr. Walters moved Administration's recommendation be upheld which was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADDENDUM

MARKET PLAZA PROJECT - CHANGE ORDER AND BUDGET AMENDMENT AUTHORIZED

City Manager Benton indicated the Market Plaza Project is underway. He indicated Wachovia and NCNB, the adjacent property owners, had some water proofing problems that they wanted to get resolved during this project. He indicated it was hoped they would work individually with the contractor on the job to resolve the problems, however, that has not been completed. Therefore, we need to have this work done through our contract process to be reimbursed by the two banks. He indicated there is an estimated cost of $13,000. Therefore, he would recommend that the City Council approve a change order to our construction contract to have this work done and approve a budget amendment to reflect payment from Wachovia and NCNB for this work. Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF4 and Ordinance 403.

TELECOMMUNICATION'S REPORT - RECEIVED - BYLAWS AND ACCESS COMMITTEE RECOMMENDATIONS - REFERRED TO WORK SESSION

Paul F. Vandergrift, Chairman of the Raleigh Telecommunications Commission, was at the meeting and presented Council members with a copy of the bylaws drafted by the Commission. He also presented a copy of the access policy. Mr. Vandergrift gave a written report on the construction progress, Federal regulations and legislations and other effects on the City's franchise, meetings with Cablevision, the telephone situation, etc. He indicated up to this point, the Telecommunication Commission has been more or less a reaction type committee and pointed out that the success of any commission is dependent upon the work and cooperation of knowledgeable professionals. He indicated the City's Cable Office provides that expertise and are to be commended for their work. He invited all Council members to attend any and all of the Commission's meetings which take place at 7:30 p.m. the fourth Wednesday of each month in the Council Chamber. He stated if there are any concerns about cable or citizen's complaints, it is hoped that the Council would channel them through the City's Cable Office or the Telecommunications Commission. Brief discussion took place and by general consensus the Bylaws and Access Committee's reports were referred to Work Session.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

EXECUTIVE SESSION - TO BE HELD AT THE END OF NIGHT MEETING

City Attorney McCormick indicated he would like to have an executive session with the Council concerning the suit filed against the City by Major Media, Inc. It was agreed to hold the meeting at the end of the night portion of the meeting.

PRIVILEGE LICENSE - CAPITAL CITY CLUB AND MOUNTAIN JACKS - APPROVED WITH CONDITIONS

City Attorney McCormick indicated the City has received a request for an entertainment license relating to the Capital City Club. He indicated they missed the Agenda deadline, and he would suggest that the City Council approve the privilege license for the Capital City Club subject to compliance with all zoning requirements and Police investigation. Ms. Cates moved the Attorney's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative.

Mr. Keller indicated Mountain Jacks has also applied for a privilege license and everything is ready. Zoning and Police have indicated approval, however, it just missed the Agenda deadline. City Manager Benton had copies of the application and the report from Police and Zoning which indicated approval. Mr. Keller moved approval of the privilege license for Mountain Jacks as applied for. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

ARK SHELTER ON BLOUNT STREET - COMMENTS RECEIVED

Mayor Upchurch indicated he had received a letter from Jack Schurman relating to the Ark Shelter on Blount Street expressing appreciation to the City Council for the many hours they spent on deliberating on the matter relating to shelters. He indicated the letter also expressed appreciation to the Homebuilders Association for the part they played in getting the Center open. The comments were received.

DEATH - SYMPATHY EXPRESSED TO DONALD R. BRYANT FAMILY

Mayor Upchurch indicated he was saddened to learn of the death of Donald R. Bryant who served the City of Raleigh on the Board of Adjustment for a number of years. He stated he would like for the City Council to write a letter expressing the Council's sympathy. Without objection, this was agreed to.

ANNEXATION - WILLIAM PAHL PROPERTY - REFERRED TO THE CITY MANAGER

Mayor Upchurch indicated he had been contacted by William Pahl relative to the possibility of annexing his facility and home. He indicated there may be some problems with this annexation, therefore, he would request that the item be referred to the City Manager. Without objection, the item was so referred.

HUGH MORRISON - COMMENTS RECEIVED

Mayor Upchurch indicated last Saturday night he saw some 18,000 people from 23 different states coming back Raleigh to the reunion of the Hugh Morrison High School. He indicated this was a very heartwarming occasion, and he presented a proclamation asking that the next high school in Raleigh be named in honor of Hugh Morrison. He indicated he would send this proclamation to the County.

DUST PROBLEMS - LAKE RALEIGH ROAD - REFERRED TO ADMINISTRATION

Mr. Keller indicated he would like for Administration to check the 800 block of Lake Raleigh Road. He indicated a new apartment complex had opened and the people exit back onto Lake Raleigh Road, which is a dirt road and big dust clouds are in the area 24 hours a day. Without objection, the item was referred to Administration.

SERTOMA PARK - INFORMATION RECEIVED

Mr. Keller indicated he understood that about two years ago there was a great deal of pressure to develop a playground at Sertoma Park. He indicated he understood plans had been drawn and everything in line, but questioned why the playground equipment had not been installed. City Manager Benton indicated bids have been received and they will be coming to the Council probably at the next meeting.

COUNCILMAN CONGLETON - EXCUSED FROM SEPTEMBER 18 MEETING

Mr. Congleton indicated he would like to be excused from the September 18, 1984, Council meeting. Without objection, it was agreed to excuse Mr. Congleton from that meeting.

CP&L FRANCHISE - COMMENTS RECEIVED

Mr. Congleton indicated Council members received a letter concerning the CP&L franchise and the possibility of the Appearance Commission looking at that franchise. City Attorney McCormick indicated this has been discussed several times and he believes the Appearance Commission is looking at the franchise and has been discussing it. Ms. Cates indicated she thought this matter was in the Public Works Committee and the Appearance Commission could simply make a recommendation to the Public Works Committee.

CAPITAL AREA TRANSIT - BUS STOPS ON SIX FORKS ROAD - REFERRED TO ADMINISTRATION

Mr. Congleton indicated many people walk to the North Hills Shopping Center and to the new library. He indicated with the new arrangement of bus schedules and the number of people that walk along the area, he would like for Administration to look into the possibility of installing benches along Six Forks Road at the various bus stops. Without objection, the item was referred to Administration.

MUNICIPAL BUILDING - HANDICAPPED ACCESS - REFERRED TO ADMINISTRATION

Ms. Cates indicated Peyton Maynard had some questions about the access for the handicapped for the 110 and 222 Municipal Building. The City Manager was asked to give a report on handicapped access to these buildings.

CITY CO-SPONSORSHIP - RALEIGH DAY LILY CLUB - REFERRED TO CITY MANAGER TO FOLLOW PROCEDURE

Ms. Cates presented Council members with information from the Raleigh Hemerocallis Club and their desire to co-sponsor with the City of Raleigh the Day Lily Garden at Jaycee Center. She explained the work of this club, pointing out they were responsible for the Day Lily garden at Jaycee Center and talked about the work of the club. She presented Council members with a copy of the letter and asked that this be sent to the City Manager for his review and to follow the process approved earlier in the day relative to City co-sponsorship of program. Without objection, this was agreed to.

SUMMERWOOD - COMMENTS RECEIVED

Ms. Cates indicated in response to Mr. Congleton's concern, she had visited the Summerwood development and has found that the back yards in this development do not have the required 30 foot setback from the property line. She indicated a subdivision is developing next to this and many people are going to the Board of Adjustment for variances. She indicated she feels that there was a serious error that occurred in this development and something should be done. City Manager Benton indicated this problem has just come to his attention and he is not sure it is due to a defect in the inspection procedure. He indicated some of the property lines have been modified because of a property sale. He indicated information would be sent to the Council on this item.

FOUNTAINS - CHECK FOR BACK FLOW VALVE - REFERRED TO ADMINISTRATION

Ms. Block indicated she would like for the City Manager to investigate whether or not we have back flow valves on all of the fountains in the City including State and City-owned fountains or water treatments. Without objection, the item was referred to Administration.

DEATH - LETTER TO BE SENT TO MRS. MARTHA MAYNARD

Ms. Block indicated recently Mrs. Martha Maynard's husband passed away. As indicated, Mrs. Maynard was very active in civic affairs and her husband was very supportive of her efforts. She asked that the Council send a sympathy note to her. Without objection, this was agreed to.

REPORT OF CITY CLERK AND TREASURER

AUGUST MINUTES - AUGUST 7 - APPROVED

The Clerk indicated Council members received copies of the August 7, 1984, Council meeting. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SURPLUS PROPERTY - BELTLINE/RAMBLEWOOD DRIVE - RESOLUTION ADOPTED

During the August 7, 1984, Council Meeting, the City Council authorized the sale of City-owned property at the intersection of the Beltline and Ramblewood Drive. Appropriate advertising, etc., has taken place and it is recommended that the City Council adopt a resolution authorizing the sale of this property to Patricia H. Spearman and James A. Dean for $1,300 and that the Mayor be authorized to sign the appropriate deed. Mr. Congleton moved the Clerk's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 603

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired surplus property, said property being described more fully as follows:

> Tract No. 56, Wake County Tax Map 435, located on the south side of the Beltline at Ramblewood Drive

WHEREAS, Patricia H. Spearman and James A. Dean have offered to purchase said property for the price of $1,300.00; and

WHEREAS, Chapter 160A-266 et. seq. of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore described property to Patricia H. Spearman and James A. Dean for the sum of $11,300.00.

Section 2. That the Mayor be authorized to execute the instrument of conveyance.

Adopted: 9/4/84

SURPLUS PROPERTY - SOUTHSIDE URBAN RENEWAL AREA - RESOLUTION ADOPTED

During the August 7, 1984, Council Meeting, the City Council authorized the sale of approximately two acres of Tract M - Southside Urban Renewal Area for $1.25 per square foot. The appropriate advertising has taken place and it is recommended that the City Council authorize the sale of the property to Highwoods Properties Company and that the Mayor be authorized to execute the appropriate deed. Mr. Walters moved the Clerk's recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 604

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property in lieu of special assessments, said property being described more fully as follows:

> Approximately two acres known as part of Tract M of the Southside Urban Renewal Project property located on Salisbury Street

WHEREAS, Highwoods Properties Company has offered to purchase said property for the price of $1.25 per square foot; and

WHEREAS, Chapter 160A-266 et. seq. of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore described property to Highwoods Properties Company for the sum of $1.25 per square foot.

Section 2. That the Mayor be authorized to execute the instrument of conveyance.

Adopted: 9/4/84

ADJOURNMENT

There being no further business, the meeting at adjourned at 5:20 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

np/1/CC

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, September 4, 1984, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch Presiding
Ms. Babb
Ms. Block
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters
Mr. Calloway - absent and excused

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

ENCROACHMENT - PEARTREE LANE - REFERRED TO LAW AND FINANCE COMMITTEE

The Reverend James F. Keenan, representing St. Joseph's Catholic Church, was at the meeting to request permission to replace a church sign on City right-of-way on Peartree Lane. Reverend Keenan indicated a sign had been in this location for a number of years and was in a deteriorated condition. Therefore, they contracted with a sign company to replace the sign. He indicated a building permit was issued and the sign installed in the exact location the old sign had been. He stated after a couple of months, he received a call from the City indicating the sign was on City right-of-way and had to be removed. He stated the sign had been removed and he is asking permission to restall it in the location of the old sign. He pointed out if they have to move off of City right-of-way, it will require cutting of a crepe myrtle tree. He stated on the right-of-way, it would cause no site distance problems nor would it impede traffic. Brief discussion took place after which by general consensus, the matter was referred to Law and Finance Committee.

TAXICAB PERMIT - THOMAS WILSON FERRIS - NO ACTION TAKEN

Thomas Wilson Ferris had requested permission to discuss the reinstatement of his taxicab permit. Mr. Ferris was not at the meeting, therefore, no action was taken.

ENCROACHMENT - CORNER OF WEST DAVIE/HARRINGTON STREETS - APPROVED CONDITIONALLY

Arthur B. Sperry was at the meeting representing himself, a prospective tenant and his sister Carolyn S. Leith, the owner of property of 322 - 328 West Harrington Street. He indicated this is at the corner of West Davie and West Harrington Streets. He indicated his sister had purchased the building and they are renovating the existing structure which was built in the 1930's. He indicated they could find no record of an encroachment agreement ever being granted, however, the building does encroach on the Davie Street right-of-way by some 7 feet, and he is requesting an encroachment agreement to allow the existing structure to remain.

City Manager Benton indicated the building does encroach on City right-of-way by 7.2 feet. He indicated Administration has no objections to the City entering into an encroachment agreement with the understanding all applicable building codes are followed and that the encroachment would be allowed as long as the existing building remains. He stated should the existing building be moved or destroyed, then any reconstruction would have to be set back from the right-of-way. Mr. Walters moved that the City be authorized to enter into the encroachment agreement with the stipulations outlined by the Manager. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TARHEEL AQUA RACERS - REQUEST FOR CONSIDERATION ON POOL CHARGES - REFERRED TO THE CITY MANAGER FOR REVIEW UNDER CITY CO-SPONSORSHIP AGREEMENT

Sanders L. Abrahams, 7012 Tanbark Way, was at the meeting indicating he is speaking as a concerned citizen and President of the Tarheel Aqua Racers. He indicated he is concerned that swimmers in Raleigh are having to subsidize other forms of recreation in the City as they have to pay a lane charge for utilization of the City's swimming pools. He stated he would like for some type of uniform policy to be adopted. He explained the Tarheel Aqua Racers represent some 120 families, 95% of which reside in the City of Raleigh. He pointed out they are a non-profit organization and depend on dues and fund raisers to carry on their activities. He explained 35% of their current budget goes for pool rental fees, and in 1983, they paid $6,500 to the City. He stated they would like to keep competitive swimming affordable for all citizens of Raleigh, and the pool rental fees is making it less affordable. He indicated the coach's salaries and expenses make up the bulk of the remainder of their budget. He stated he was at the meeting to ask the Council to rescind the lane charge currently charged to swimmers. He explained there are returns on swimming to the City of Raleigh, pointing out his organization hosted three to four meets last year. He stated a national swim meet brought some 800 families to the City for four days and nights last year. He explained they have a novice program and a scholarship program for those who cannot afford the dues charged.

Mayor Upchurch questioned if this fee is not a fee for reserving a lane or reserving the pool, at which time the swim club has exclusive use of the pool with Mr. Abrahams

indicating they reserve a certain number of lanes for their exclusive use. City Manager Benton indicated the swimmer's fees do not help support other recreation programs in the City. He indicated if Mr. Abrahams is trying to compare pools to soccer, he would like to point out the investment is somewhat different. He pointed out all pools are user fee basis, and people who use the pools on a daily basis pay to swim, again explaining revenue from the use of pools does not go to support other recreation programs as it does not pay for the pools itself.

Ms. Cates indicated swimming is a recreational sport that the City needs to encourage. She explained that swimming popularity is growing and people of all ages participate in swimming, and for some of the older or handicapped citizens, this is the only recreational activities they participate in. She indicated maybe the City Manager could review this concern as it relates to the City co-sponsorship arrangements that were approved earlier in the day. Mr. Upchurch indicated all people who swim pay a user fee with Ms. Cates indicating all people in Raleigh cannot afford to use our swimming pools. After brief discussion without objection, the item was referred to the City Manager for report back at the next meeting.

ENCROACHMENT - WAKE COUNTY HEALTH FACILITIES - APPROVED CONDITIONALLY

Attorney Robert Wilson, representing Wake County Health Facilities and Services Authority, Inc., was at the meeting to discuss an encroachment agreement relating to a wall of a parking structure to be built at Wake County Medical Facility. He indicated about a year and a half ago, they got approval to construct an office building and now they are in the phase of designing the parking structure for the Medical Office Building. He indicated when they subdivided the property, there was a requirement that they provide to the City and the County of Wake a utility easement. He indicated due to a misunderstanding on the width of the easement, the parking structure wall encroaches on the apron of Hospital Entrance Drive. He indicated the architect and everyone he has taked with indicates it does not affect the ingress or the egress to the hospital facility nor any utility connections. In response to questioning, he indicated they are requesting an encroachment and the easement relates to the roadway. City Manager Benton indicated there is some confusion on this request, pointing out if the encroachment doesn't impede access nor involve any utilities, Administration would have no problem with the encroachment, but there is some confusion on the type of easement. After discussion, Mr. Walters moved approval of the encroachment agreement provided the City Manager reviews and determines there is no problems from Administration. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CLAIM - CAR DAMAGE - NO ACTION TAKEN

Lillian R. Walsh, 1312 Knight's Way, was at the meeting explaining on July 7 her car was destroyed by a City of Raleigh water pipe cover which was loose, above the street level and pitched at a 45 degree angle in the street. She stated this was an unmarked road hazard, and when she hit it, it destroyed her transmission, transmission housing, gashed the radiator and destroyed several small parts. She indicated she filled out forms provided to her by the City of Raleigh Safety Coordinator and the City's insurance company has denied her payment, as they said the City was not aware of the loose cover. She indicated she is a tax payer and helps maintain City and County streets and her car has been destroyed, and she is out one car. City Manager Benton indicated on July 11 this was reported to the Safety Coordinator. He indicated personnel went out and reported a missing water valve box cover, however, they checked and found that there was no previous reports or complaints, or no one had been made aware that there was a problem. He indicated our insurance indicates that the City must be given proper notice before negligence can be claimed. City Attorney McCormick indicated the City can't legally assume responsibility unless the City is aware of the hazard and hasn't taken steps to repair it.

Ms. Cates questioned if Ms. Walsh's car insurance would pay the claim with Ms. Walsh indicating she had dropped her collision. She stated now she is without a car due to an unmarked hazard on the City property. Ms. Block questioned why she did not report the problem immediately with Ms. Walsh indicating this was on a Saturday and she reported it as soon as she could find someone at the City. Discussion took place with various Council members indicating they are sympathetic with Ms. Walsh but the Council's hands are tied with Ms. Walsh questioning if she destroyed City property, if she would not have to pay for it. The City Attorney indicated if Ms. Walsh were negligent and destroyed City property, she would be responsible, but if she were not negligent, she would not. No action was taken.

ENCROACHMENT - DRAINAGE/SEWER EASEMENT ON FALLS OF NEUSE ROAD - APPROVED

Attorney Arthur C. Zeidman, representing the Congregational Sha'Are' Israel Synagogue, was at the meeting indicating the synagogue has a walkway across a drainage and sewer easement to allow children to avoid walking on Falls of Neuse Road. He indicated the owners of the lots, on which the easement occurs, have consented to grant an easement for a walkway to the synagogue property so a sidewalk can be constructed. He presented a survey showing where the easements are and pointed out they would like an opportunity to record this map. He indicated they have letters of permission from the owners of the property of the land and he is just at the meeting to ask the City's permission to run their easement on top of the drainage and sewer easement. City Manager Benton indicated the City would have no objection with the stipulation that the City would not be liable for any repairs to the sidewalk which is going to be installed in the easement should work have to be done in the City's easement. City Attorney McCormick

indicated that should be shown in the deed of easement. Mr. Walters moved approval of recording of the easement with the stipulations as outlined by the Manager and Attorney. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PUBLIC NUISANCE - 311-27 SOUTH PERSON STREET - REFERRED TO PUBLIC WORKS COMMITTEE

Norman Pliner, representing Richard S. Pollock of Warehouse of Tires, Inc., was at the meeting pointing out the business employs 10 full time employees and has been in this location for some 13 years. He indicated the Warehouse of Tires, Inc., had received letters from the City relative to an alleged public nuisance. He indicated he had been working with the owner and together they have come up with a plan to abate this nuisance, however, they will not be able to fully implement the plan until March 31 of next year. He indicated there are about 10 million tires a year discarded in North Carolina with 150,000 of these being in the Raleigh area and another 250,000 in the Wake County area. He indicated many of these discarded tires are found on their property as well as junk yards, etc. He indicated this is a serious environmental problem and explained the formation of the North Carolina Resource Recovery Corporation, who plans to collect discarded tires and shred them and dispose, pointing out they are hoping to develop a market for this shredded tire material. He indicated the Corporation will be investing some $250,000 to do this. He indicated the State of North Carolina, as well as other States throughout the Nation, are concerned about the problem of what to do with discarded tires. He stated this is the first time Warehouse of Tires, Inc., has been cited for a nuisance, but pointed out this nuisance will be abated before the 1985 mosquito breeding season.

Housing Inspections Supervisor Bartholomew indicated there is a large number of tires on this location. He indicated he understands the company's plans to abate the nuisance, however, the ordinance does not allow Administration to give him as much time as he is requesting. He stated the City has received complaints about this location. Ms. Cates questioned if the shredded tires will end up in our landfill with Mr. Pliner indicating tires have a higher heating value than coal, and it is hoped to develop a market for this purpose. Discussion took place on why it will take so long to abate the nuisance, the cost of the shredding machine that will shred 300 tires per hour, etc. Mr. Bartholomew indicated he understood Warehouse of Tires, Inc., owns some 30 acres of land in the County and there is a possibility they could move to that site. Discussion took place after which, Ms. Cates moved that this matter be referred to the Public Works Committee. Her motion was seconded by Ms. Block. Discussion took place with Mr. Walters pointing out this is an area of the City that we are trying to revitalize and rehabilitate. This is definitely a nuisance. Mayor Upchurch spoke to efforts similar to this that have taken place in the past but never materialized. Ms. Cates pointed out we are concerned about the revitalization downtown, but she is also concerned about recycling and that is why she wants the matter referred to Public Works Committee. After brief discussion, the motion as stated was put to a vote and passed unanimously.

NOISE PROBLEM - BARKING DOGS - REFERRED TO THE CITY ATTORNEY

Bill Hoffman was at the meeting representing neighbors and adjacent property owners in the Meredith Guest House area. He indicated some time in the past the Meredith Guest House was allowed to install a dog pen, which is closer to the neighbors than it is the guest house, for use of the guest house residents. He explained the neighborhood is close to the Beltline, a shopping center, etc., but pointed out the dogs create more noise than the surrounding business and traffic. He indicated if the barking dogs belong to a resident in the area, that the neighbors could talk to that resident and get something done. He pointed out they do consider the residents of Meredith Guest House their neighbors, however, they come and go and the dogs are different weekly and monthly. He indicated they have talked to the management of the Meredith Guest House and they are doing nothing to restrain the barking dogs. He indicated the dogs do not just bark a few minutes, they bark hours at the time. He presented a petition, signed by neighbors, asking the Council to take some action to help them with their problem. He read the petition in full. Mr. Keller questioned if this would be a kennel with it being pointed out, they had checked with the City and this does not qualify as a kennel. Brief discussion took place as to what action the Council could take with the City Attorney indicating it could be addressed possibly by the noise ordinance, general public nuisance law or the neighbors could bring a general nuisance type action. He stated he would be glad to look into this for the Council and report back. Without objection, the item was referred to the City Attorney's Office.

UNFIT BUILDINGS AND DWELLING UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT DWELLINGS - 441 FOWLE STREET - ORDINANCE ADOPTED EFFECTIVE NOVEMBER 7, 1984; 515 PARNELL DRIVE - WITHDRAWN

This was a hearing to consider adoption of an ordinance declaring the following dwellings unfit and directing that they be placarded:

441 Fowle Street - James and Laura McLean - Property Owners. The Mayor opened the hearing. Pete Wilder was at the meeting indicating there is problems at this house and he regrets it getting to this point. He indicated it was his fault as he liked a

report from the doctor. He indicated he thinks he can take care of the repairs, however, he needs a little time to get it done. Brief discussion took place and Mr. Congleton moved adoption of an ordinance declaring the dwelling unfit to be effective November 7, 1984. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 409

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North CArolina, entitled "Housing Code," and that all of the providions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designeed, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION: THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
James and Laura McLean	441 Fowle Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective November 7, 1984.

Adopted: 9/4/84

Effective: 11/7/84

515 Parnell Drive - Lorraine Sebastian - Property Owner. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the owner is in the process of completing the repairs to the structure. Without objection, the item was withdrawn.

UNSAFE BUILDING - 516 NORTH PERSON STREET - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the structure at 516 North Person Street unsafe and directing that it be demolished. The property is in the name of Gladys Perry. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of an ordinance declaring the dwelling unsafe. His motion was seconded by Mr. Keller and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 402

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 516 NORTH PERSON STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Gladys Perry	516 North Person Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective September 4, 1984.

Adopted: 9/4/84

Effective: 9/4/84

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs for abating public nuisances as described below:

The Mayor opened and closed the hearing on each case.

809 Colleton Road - Norman K. and Evelyn B. Stanley Property Owners - $214.00. No one asked to be heard. Ms. Block moved adoption of a resolution confirming charges as outlined. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 605.

1516 Oakwood Avenue - Bradley Norton, Ellie Mae Nowell, Archibald Horton and Nathaniel Horton Property Owners - $120.00. No one asked to be heard. Mr. Walters moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 605.

708-710 East Jones Street - Norman K. and Evelyn B. Stanley Property Owners- $164.00. No one asked to be heard. Ms. Block moved adoption of a resolution confirming charges as advertised. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 605.

202 Snow Avenue - Mary H. Charles Property Owner - $119.00. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges have been paid. The item was withdrawn.

808 Oberlin Road - George Flagg Heirs Property Owners - $94.00. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges have been paid. Without objection, the item was withdrawn.

1352 Walnut Street - Lucille M. and W. H. Bryant, Jr. Property Owners - $245.00. No one asked to be heard. Mr. Keller moved adopted of a resolution confirming charges as outlined. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 605

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, The City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statues above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Norman K. and Evelyn B. Stanley	809 Colleton Road Lot 68, Map 525 ID #0017806	$ 241.00
Bradley Norton, Ellie Mae Nowell, Archibald Horton,	15116 Oakwood Avenue Lot 9, Block G-40, Map G-3, ID #0059761	$ 120.00
Norman K. and Evelyn B. Stanley	708-710 E. Jones Street Lot 8, Block G-9, Map G-1, ID #0034260	164.00
Lucile M. and W. H. Bryant, Jr.	1352 Walnut Terrace Lot 32, Block B-186, Map B-32, ID #0009528	245.00

Section 3. That this resolution shall become effective September 4, 1984.

Adopted: 9/4/84

712 Tower Street - Wiley Hunter Heirs Property Owners - $71.00. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges have been paid. Without objection, the item was withdrawn.

TRANSIT TRANSFER FACILITY - PUBLIC HEARING ON AMENDMENT - HELD

A hearing to receive public comment with respect to the economic and environmental aspects of a grant amendment submitted by the City of Raleigh to the Urban Mass Transportation Administration and the North Carolina Department of Transportation to construct a pedestrian connection from the approved transit transfer facility site to Wilmington Street and over to the Fayetteville Street Mall.

City Manager Benton briefly explained the grant application and the amendment. The Mayor opened the hearing the public. No one asked to be heard, thus the hearing was closed.

PU 1984-4 AND PU 1984-6 - HERMITAGE DRIVE AREA - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

PU 1984-4 was a hearing to consider the installation of approximately 1,000 feet of sewer main within easements along southern boundary of lots on the south side of Hermitage Drive - Lots 4905-4933. PU 1984-6 was a hearing to consider the installation of approximately 2,000 feet of sewer main in the 5000 block and the 4900 block of Hermitage and Larchmont. Acting Public Utilities Director Carl Simmons explained the projects. The Mayor opened the hearing to the public on the two projects.

David Howell, 4903 Larchmont indicated his house was built in 1968. He indicated he instructed the builder to notify him before covering the septic tank, however, he did not and was not sure of the location of his septic tank. He indicated he had installed water conservation devices, etc., and his septic tank has never been serviced, but he feels that he just waiting for problems to occur. Therefore, he would welcome the City sewer to the area to avoid unnecessary problems.

The resident at 4920 Larchmont indicated this involves both sides of his property and questioned if he would charged on both sides. Acting Public Utilities Director Simmoms indicated there would be 150 foot exemption for duplicating service.

Carole Sawicki, 5033 Hermitage Drive, indicated her house is the lowest point on both streets. She indicated they purchased the property in 1970 and there had been a lot of soil erosion, therefore, they had spent quite a bit of money for landscaping. She indicated she had requested to be notified when the City was coming on the property. However, she was not notified, but she had noticed damage to the plant material, therefore knew City representatives had been on the site. She indicated the Engineering Department had been very helpful, but she was at the meeting to ask that the Council let her work with the people who are going to put in the line so that maybe alternative locations could be considered. She questioned if the line must be located at the lowest point, would there be any reimbursement for loss of plant material, etc. Ms. Sawicki commended Chief Engineer Thomas and Acting Public Utilities Director Simmons for their professionalism and the help and stated she would just like permission to work with them in the final designs and location of the line.

The resident at 4925 Hermitage indicated he is in favor of the installations of the sewer lines as he feels they are long overdue.

W. R. McClaren, 5001 Larchmont, spoke in support of the installation of the line. No one else asked to be heard, thus the hearing was closed.

City Manager Benton indicated the City would be glad to work with Mrs. Sawicki in the final design phase to find the most appropriate route for the lines. Mr. Congleton moved adoption of a resolution directing PU 1984-4 and 6 as advertised with the understanding that Administration would work with Ms. Sawicki. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 606

A RESOLUTION TO DIRECT THAT THE SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

(a) PU 1984-4 - INstallation of 1,000 feet of 8-inch sanitary sewer main within easements along the southern boundary of lots on the south side of Hermitage Drive for Lots 4905-4903 (assessment on per lot basis).

(b) PU 1984-6 - Installation of approximately 2,000 feet of 8-inch sewer main in the 5000 block and the 4900 block of Hermitage and Larchmont, respectively, beginning at 5016 Hermitage and 4909 Larchmont with both liens intersecting at 5033 Larchmont and hence in an easement to Hare Snipe Creek Outfall (assessment on per lot basis).

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: (See Above)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 9/4/84

PU 1984-5 - SEWER INSTALLATION IN NEWTON ROAD - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the installation of approximately 1,000 feet of sewer main on Newton Road in the vicinity of the Beth Meyer Synagogue. Acting Public Utilities Director Simmons explained the project. The Mayor opened the hearing.

Attorney Howard Satisky, representing the Beth Meyer Synagogue, indicated they are very much opposed to being assessed for the sewer line. He indicated they purchased the land sometime back to build a Synagogue and paid for the sewer to be brought to their property and paid an assessment for sewer. He indicated the land owner next to them wants to construct condominiums and a rest home and the Synagogue has no objection to his plans, but they do object to paying for the sewer line being extended to that property, as they have no need for it and frankly cannot afford it. Ms. Block indicated when development occurs, it is the property owner's responsibility to bring the sewer line all the way across the property with City Manager Benton indicating Synagogue property was not a subdivision, therefore, they only had to bring the line to their property line. He indicated the location requesting sewer is within our corporate limits, therefore sewer must be provided. Brief discussion took place, however, no one else asked to be heard, thus the hearing was closed and without objection, the matter referred to the Public Works Committee.

SEWER ASSESSMENT ROLL 1015 - TWIN PINES AREA - RESOLUTION CONFIRMING CHARGES ADOPTED

A hearing to consider confirming costs for Sewer Assessment Roll 1015 for the installation of a sanitary sewer main to serve the Twin Pines annexation area. The confirmation would be according to charges outlined in Resolution 1984-588 adopted on August 7, 1984. This property is outside the City Limits, therefore, the assessments would be effective upon annexation of the property or tap-on to the line. Mayor Upchurch opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Block moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 8:45 p.m.

RESOLUTION NO. (1984) 607

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT 1015

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the fourth day of September, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1984 - 588 adopted on the seventh day of August, 1984, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 1015," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage theron, all as shown on said assessment roll which is hereby incorporated into and made a part of th is resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That form the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statues of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum form the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 9/4/84

Effective: Upon annexation or tap-on to the line

PAVING ASSESSMENT ROLL 620 - HEARING TO CONSIDER CORRECTION - RESOLUTION ADOPTED

A hearing to consider adoption of a resolution correcting paving Assessment Roll 620 to the end that the assessment against Lot No. 5 in the name of CEE Building Corporation will be reapportioned into two lots as the property has been divided. A copy of the proposed resolution was included in Council Members' Agenda packet. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution confirming charges as outlined. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 600

A RESOLUTION TO CORRECT PAVING ASSESSMENT ON DALE STREET

WHEREAS, by Resolution NO. 1982-920 adopted 6-1-82, the City Council confirmed Assessment Roll No. 620 as set forth in Resolution No. 1979-92 and assessed property as follows:

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
C. E. E. Building Corp.	5	186.2	$ 3,388.15

AND WHEREAS, the assessment charged against the property should be amended because property has been divided into two (2) lots, and property owner requests that the assessment b re-apportioned against each lot.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G. S. 160A-228.

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
John A. Edwards & C. E. E. Building Corp.	5A	99.38	$ 1,808.35
John A. Edwards	5B	86.82	1,579.80

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records. Interest shall be computed at 6% on the unpaid balance from the date of original confirmation or form the last payment, whichever was last.

Adopted: 9/4/84

SIDEWALK ASSESSMENT ROLL 205 - EAST JONES STREET - HEARING TO CONSIDER CORRECTION - RESOLUTION ADOPTED

A hearing to consider correcting Sidewalk Assessment Roll 205, East Jones Street, to the end that the assessment against Lot No. 1 will be in the name of Artco Investments, rather than Vester W. Walker. It has been found that Artco Investments was the actual owner of the property at the time of confirmation of the roll, therefore, the roll should be corrected accordingly. A copy of the proposed resolution was included in Council Members' Agenda packet. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of the correcting resolution as advertised. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 608

A RESOLUTION TO CORRECT SIDEWALK ASSESSMENT ROLL 205, EAST JONES STREET.

WHEREAS, by Resolution No. (1984) 593, adopted 8/7/84, the City Council confirmed Special SIDEWALK Assessment Roll 205,

WHEREAS, on the map attached to said assessment roll Lot 1 was shown as being the property of Vester W. Walker.

WHEREAS, the City Council now finds that Lot 1, was, at the time of confirmation of the assessment roll, the property of Artco Investments, and that the assessment should be corrected accordingly, as permitted by GS - 160A - 228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That SIDEWALK Assessment Roll 205 be and the same is hereby corrected, and the assessment against Lot 1 is made against Artco Investments.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 9/4/84

Artco Investments
P. O. Box 5421
Raleigh, N.C. 27650

Amount: $939.05

SIDEWALK ASSESSMENT ROLL 201 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

A hearing to consider correcting Sidewalk Assessment Roll 201 to the end that the assessment against Lot 13 would be divided into two parcels as the property has been divided and the owner requests that the assessment be apportioned against each parcel. A copy of the proposed resolution was included in Council Members' Agenda packet. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of the correcting resolution as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 609

A RESOLUTION TO CORRECT SIDEWALK ASSESSMENT ON NORTH HILLS DRIVE.

WHEREAS, by Resolution No. (1984) 548 adopted June 5, 1984, the City Council confirmed Assessment Roll No. 201 as set forth in Resolution No. (1984) 512 and assessed property as follows:

OWNER	LOT NO.	LOCATION OF IMPROVEMENT	ASSESSMENT
East-West Prop., Inc.	13 .	North Hills Dr.	$1,682.24

AND WHEREAS, the assessment charged against the property should be amended because property has been divided into two (2) parcels and property owner requests the assessment be apportioned against each parcel.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G.S. 160A-228.

OWNER	LOT NO.	LOCATION OF IMPROVEMENT	ASSESSMENT
East-West Prop., Inc.	13	North Hills Dr.	$1,157.24
George T. Aman	13A	North Hills Dr.	$ 525.00

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records. Interest shall be computed at 6% on the unpaid balance from the date of original confirmation or from the last payment, whichever was last.

Adopted: 9/4/84

ANNEXATION - WOODLAKE - HEARING - PROPERTY ANNEXED EFFECTIVE DECEMBER 31, 1984

A hearing to consider the contiguous annexation of property known as Woodlake. The hearing is pursuant to petition, resolution, and notification as required by law.

Planning Director Chapman explained the location. The Mayor opened the hearing to the public. A representative of the applicant was at the meeting supporting the annexation and to answer questions. No one else asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of an ordinance annexing the property effective December 31, 1984, and a resolution placing the property in Electoral District E. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 610

A RESOLUTION TO AUTHORIZE THE INCLUSION OF WOODLAKE SUBDIVISION IN CITY ELECTORAL DISTRICT E

WHEREAS, the City council of the City of Raleigh did, by Ordinance No. (1984) 410 adopted September 4, 1984, annex a parcel of land being commonly referred to as Woodlake Subdivision and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Woodlake Subdivision as described in Ordinance No. (1984) 410 be added to City Electoral District E.

Adopted: 9/4/84

Effective: 12/31/84

ORDINANCE NO. (1984) 410

CORRECTED COPY

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS WOODLAKE SUBDIVISION

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on September 4, 1984 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984:

WOODLAKE

BEGINNING at a survey pin located N 09° 53' 25" W 131.85 feet from the intersection of the centerlines of Ray Road and Thornridge Road, this pin being in the west right-of-way line of Ray Road, said pin also being in the existing (8-1-84) Raleigh City Limits; thence with said existing City Limits and the west right-of-way line of Ray Road the following courses and distances: S 02° 57' 53" W 407.09 feet to a survey pin; S 02° 05' 38" W 176.26 feet to a survey pin in the west right-of-way of Ray Road; thence leaving said existing City Limits, this description running clockwise as follows:

THENCE N-89-43-43-W A DISTANCE OF 453.92' TO A SURVEY PIN; CONTINUING
THENCE S-02-26-54-W A DISTANCE OF 399.33' TO A SURVEY PIN; CONTINUING
THENCE S-02-32-34-W A DISTANCE OF 139.30' TO A SURVEY PIN; CONTINUING
THENCE N-87-31-17-W A DISTANCE OF 549.38' TO A SURVEY PIN; CONTINUING
THENCE N-89-08-53-W A DISTANCE OF 299.51' TO A SURVEY PIN; CONTINUING
THENCE N-89-05-13-W A DISTANCE OF 274.26' TO A SURVEY PIN; CONTINUING
THENCE N-89-09-44-W A DISTANCE OF 413.26' TO A SURVEY PIN; CONTINUING
THENCE N-42-07-31-E A DISTANCE OF 126.89' TO A SURVEY PIN; CONTINUING
THENCE N-26-15-26-E A DISTANCE OF 73.77' TO A SURVEY PIN; CONTINUING
THENCE N-22-24-44-E A DISTANCE OF 91.52' TO A SURVEY PIN; CONTINUING
THENCE N-07-00-34-E A DISTANCE OF 73.17' TO A SURVEY PIN; CONTINUING
THENCE S-82-47-47-W A DISTANCE OF 30.74' TO A SURVEY PIN; CONTINUING
THENCE S-76-25-31-W A DISTANCE OF 133.09' TO A SURVEY PIN; CONTINUING
THENCE S-48-14-37-W A DISTANCE OF 46.03' TO A SURVEY PIN; CONTINUING

THENCE S-33-48-33-W A DISTANCE OF 118.35' TO A SURVEY PIN; CONTINUING
THENCE S-39-05-54-W A DISTANCE OF 50.80' TO A SURVEY PIN; CONTINUING
THENCE N-03-11-20-E A DISTANCE OF 250.08' TO A SURVEY PIN; CONTINUING
THENCE N-87-18-39-W A DISTANCE OF 134.96' TO A SURVEY PIN; CONTINUING
THENCE N-08-03-12-W A DISTANCE OF 38.06' TO A SURVEY PIN; CONTINUING
THENCE N-04-04-58-W A DISTANCE OF 110.85' TO A SURVEY PIN; CONTINUING
THENCE N-22-05-10-W A DISTANCE OF 70.83' TO A SURVEY PIN; CONTINUING
THENCE N-05-51-00-E A DISTANCE OF 95.30' TO A SURVEY PIN; CONTINUING
THENCE N-14-11-04-W A DISTANCE OF 63.04' TO A SURVEY PIN; CONTINUING
THENCE N-47-52-16-W A DISTANCE OF 74.82' TO A SURVEY PIN; CONTINUING
THENCE N-53-13-04-W A DISTANCE OF 66.38' TO A SURVEY PIN; CONTINUING
THENCE N-01-45-55-E A DISTANCE OF 85.25' TO A SURVEY PIN; CONTINUING

THENCE N-18-43-37-W A DISTANCE OF 55.04' TO A SURVEY PIN; CONTINUING
THENCE N-05-15-38-W A DISTANCE OF 46.71' TO A SURVEY PIN; CONTINUING
THENCE N-26-34-56-W A DISTANCE OF 91.42' TO A SURVEY PIN; CONTINUING
THENCE N-09-53-03-W A DISTANCE OF 58.67' TO A SURVEY PIN; CONTINUING
THENCE N-19-27-30-E A DISTANCE OF 93.76' TO A SURVEY PIN; CONTINUING
THENCE N-08-42-45-E A DISTANCE OF 77.58' TO A SURVEY PIN; CONTINUING
THENCE N-19-44-44-E A DISTANCE OF 55.90' TO A SURVEY PIN; CONTINUING
THENCE N-48-19-42-W A DISTANCE OF 40.69' TO A SURVEY PIN; CONTINUING
THENCE N-85-07-35-W A DISTANCE OF 49.64' TO A SURVEY PIN; CONTINUING
THENCE S-69-00-11-W A DISTANCE OF 60.06' TO A SURVEY PIN; CONTINUING
THENCE S-76-18-18-W A DISTANCE OF 39.64' TO A SURVEY PIN; CONTINUING
THENCE N-80-42-29-W A DISTANCE OF 64.03' TO A SURVEY PIN; CONTINUING
THENCE N-49-30-37-W A DISTANCE OF 37.56' TO A SURVEY PIN; CONTINUING
THENCE N-14-00-39-W A DISTANCE OF 55.28' TO A SURVEY PIN; CONTINUING

THENCE N-10-58-46-W A DISTANCE OF 128.98' TO A SURVEY PIN; CONTINUING
THENCE N-10-17-44-W A DISTANCE OF 109.76' TO A SURVEY PIN; CONTINUING
THENCE N-17-18-08-W A DISTANCE OF 120.87' TO A SURVEY PIN; CONTINUING
THENCE N-17-20-34-W A DISTANCE OF 82.95' TO A SURVEY PIN; CONTINUING
THENCE N-13-33-00-W A DISTANCE OF 89.23' TO A SURVEY PIN; CONTINUING
THENCE N-31-12-00-W A DISTANCE OF 73.10' TO A SURVEY PIN; CONTINUING
THENCE N-89-45-30-E A DISTANCE OF 350.77' TO A SURVEY PIN; CONTINUING
THENCE N-03-47-36-E A DISTANCE OF 438.15' TO A SURVEY PIN; CONTINUING
THENCE S-89-06-10-E A DISTANCE OF 1393.60' TO A SURVEY PIN; CONTINUING
THENCE S-02-43-33-W A DISTANCE OF 419.07' TO A SURVEY PIN; CONTINUING
THENCE S-89-14-45-E A DISTANCE OF 358.38' TO A SURVEY PIN; CONTINUING
THENCE S-89-08-04-E A DISTANCE OF 108.88' TO A SURVEY PIN; CONTINUING
THENCE S-05-14-28-W A DISTANCE OF 217.48' TO A SURVEY PIN; CONTINUING
THENCE S-05-09-53-W A DISTANCE OF 29.45' TO A SURVEY PIN; CONTINUING
THENCE N-89-05-00-E A DISTANCE OF 200.32' TO A SURVEY PIN; CONTINUING
THENCE S-04-46-56-W A DISTANCE OF 199.78' TO A SURVEY PIN; CONTINUING
THENCE N-89-03-01-E A DISTANCE OF 165.87' TO A SURVEY PIN; CONTINUING
THENCE S-04-18-14-W A DISTANCE OF 179.47' TO A SURVEY PIN; CONTINUING
THENCE S-09-56-00-W A DISTANCE OF 217.55' TO A SURVEY PIN; CONTINUING
THENCE S-03-51-41-W A DISTANCE OF 116.97' TO A SURVEY PIN; CONTINUING
THENCE S-89-52-20-E A DISTANCE OF 408.93' TO A SURVEY PIN;

the point and place of beginning, containing 112.7484 acres and being more perfectly described by plat of survey prepared by Murphy & Associates, Registered Land Surveyors in February, 1984 on map entitled, "Property of Lake Lynn Development Company."

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: 9/4/84

Effective: 12/31/84

STREET CLOSING - CHARLESTON ROAD RIGHT-OF-WAY - HEARING - RESOLUTION ADOPTED

A hearing to consider the permanent closing of a portion of Charleston Road right-of-way. The hearing is pursuant to petition, resolution, and notification as required by law.

Planning Director Chapman explained the location, pointing out Administration has no objection to the closing as advertised with the understanding that conditions as included in the Council members' Agenda packet would be incorporated in the resolution closing the street. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution closing the street as advertised with the conditions as outlined in the Agenda packet. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 611

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF CHARLESTON ROAD AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Charleston Road right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring it intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Charleston Road be closed permanently as follows:

BEGINNING at a point in the eastern right-of-way line of Charleston Road as shown in book of Maps 1967, Page 113, Wake County registry, said point also being the southernmost corner of Charleston Road as shown on said plat; thence North 34 deg. 00 min. West 50 feet to a point in the western right-of-way line of Charleston Road; thence in a northern direction along said western right-of-way line 66.59 feet to a point; thence along a line curving to the left wit a radius of 50 feet and a distance of 80.02 feet to a point in the eastern right-of-way line of Charleston Road; thence South 31 deg. 00 min West 25 feet to a point; thence continuing along said eastern right-of-way of Charleston Road in a southerly direction 113.45 feet to the point and place of BEGINNING, containing 5,126.9 square feet as shown on plat entitle, "Road Closing, South End, Charleston Road, Raleigh, N.C.," dated May 7, 1984, and prepared by John Y. Phelps-Registered Land Surveyor.

CONDITIONS:

That a curb and gutter section and standard driveway be installed to serve Charleston Road Apartments.

That the 6" water main in the subject right-of-way be abandoned and a blow-off valve be installed at the end of the city main.

The adjacent property owners (Lots 273, Map 548) convey the right-of-way, if abandoned, to the owners of Charleston Road Apartments (Lot 22, Map 548) in order to avoid the land locking of Lot 22.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would this closing effective.

Adopted: 9/4/84

Effective: Upon completion of conditions

EXECUTIVE SESSION - MULTI-MEDIA SUIT - GEORGE CHAPMAN DESIGNATED CORPORATE SPOKESMAN - FUNDS APPROPRIATED

Mr. Walters moved that the City Council go into Executive Session as requested by the Attorney to discuss the suit filed against the City by Multi-Media Corporation. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The City Council adjourned into Executive Session in the Mayor's office at 8:45 p.m.

At 9:15 p.m., the City Council reconvened with the Mayor announcing that the City Council has moved to designate George Chapman as corporate spokesman for discovery purposes and appropriate $5,000 to the City Attorney's court cost in connection with the Multi-Media law suit. Mr. Walters moved the recommendation of the Executive Session be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 405 TF 4.

ADJOURNMENT

There being no further business, Mr. Walters moved that the meeting adjourn at 9:20 p.m. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Gail G. Smith
City Clerk

np/2/CC2